



## **Environmental Planning Commission**

**Agenda Number: 03  
Project Number: 1010551  
Case Numbers: 15EPC-40039/40041  
September 10, 2015**

### **Staff Report**

<b>Agent</b>	Matt Myers- Myers, McCready & Myers
<b>Applicant</b>	Deemer Properties, NM, LLC
<b>Requests</b>	<b>Sector Development Plan Map Amendment (zone change)</b> <b>Site Development Plan for Building Permit</b>
<b>Legal Description</b>	Tract 2A, Westgate Mobile Home Park
<b>Location</b>	on 98th St. SW, between Tower Rd. SW, and DeVargas Rd. SW
<b>Size</b>	Approximately 14.5 acres
<b>Existing Zoning</b>	R-T Residential zone
<b>Proposed Zoning</b>	SU-1 for Mobile Home Development

### **Staff Recommendation**

***That the EPC forward a recommendation of APPROVAL of 15EPC-40039, based on the Findings beginning on Page 18 and subject to the Condition of Approval on Page 21, to the City Council.***

***That the EPC forward a recommendation of APPROVAL of 15EPC-40041, based on the Findings beginning on Page 21 and subject to the Conditions of Approval beginning on Page 24, to the City Council.***

***Staff Planner  
Catalina Lehner-AICP, Senior Planner***

### **Summary of Analysis**

This proposal is for a sector development plan map amendment (zone change) to the Tower/Unser Sector Development Plan (TUSDP) and an associated "as built" site development plan. A mobile home park occupies the subject site and the two tracts nearby.

The applicant requests a zone change to SU-1 for Mobile Home Development so that a portion of the existing mobile home park will be allowed to remain. Currently it's zoned R-T and not allowed. The request is adequately justified pursuant to R270-1980 and generally furthers applicable Goals and policies.

The affected neighborhood organizations and property owners were notified, as required. Staff received a phone call from a resident who had questions, but has not received any written comments and is unaware of any opposition as of this writing.

Staff recommends approval of the zone change and conditional approval of the as built site development plan.





# Project #1010551



## Legend

- ☐ Bernalillo County Parcels
- ☐ Municipal Limits
- ☐ Corrales
- ☐ Edgewood
- ☐ Los Ranchos
- ☐ Rio Rancho
- ☐ Tijeras
- ☐ UNINCORPORATED
- ☐ World Street Map



1: 5,730

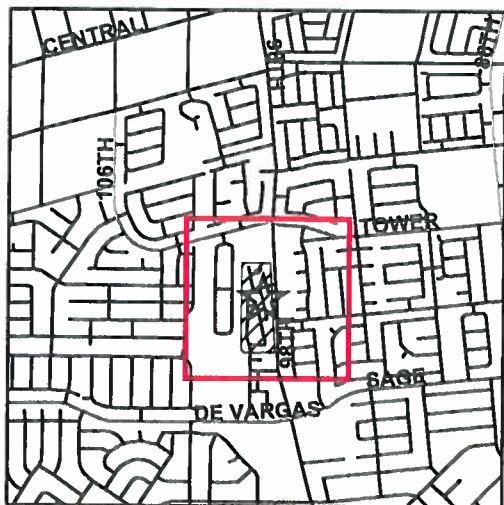
0.1 0.06 0.1 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
9/22/2015  
© City of Albuquerque

This map is a user generated static output from [www.cabq.gov/gis](http://www.cabq.gov/gis) and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR LEGAL PURPOSES**

## Notes

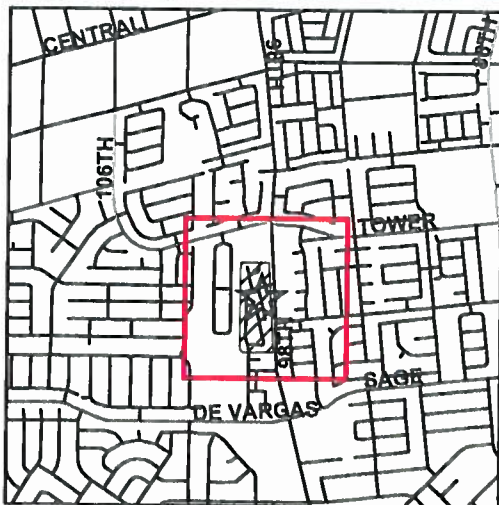
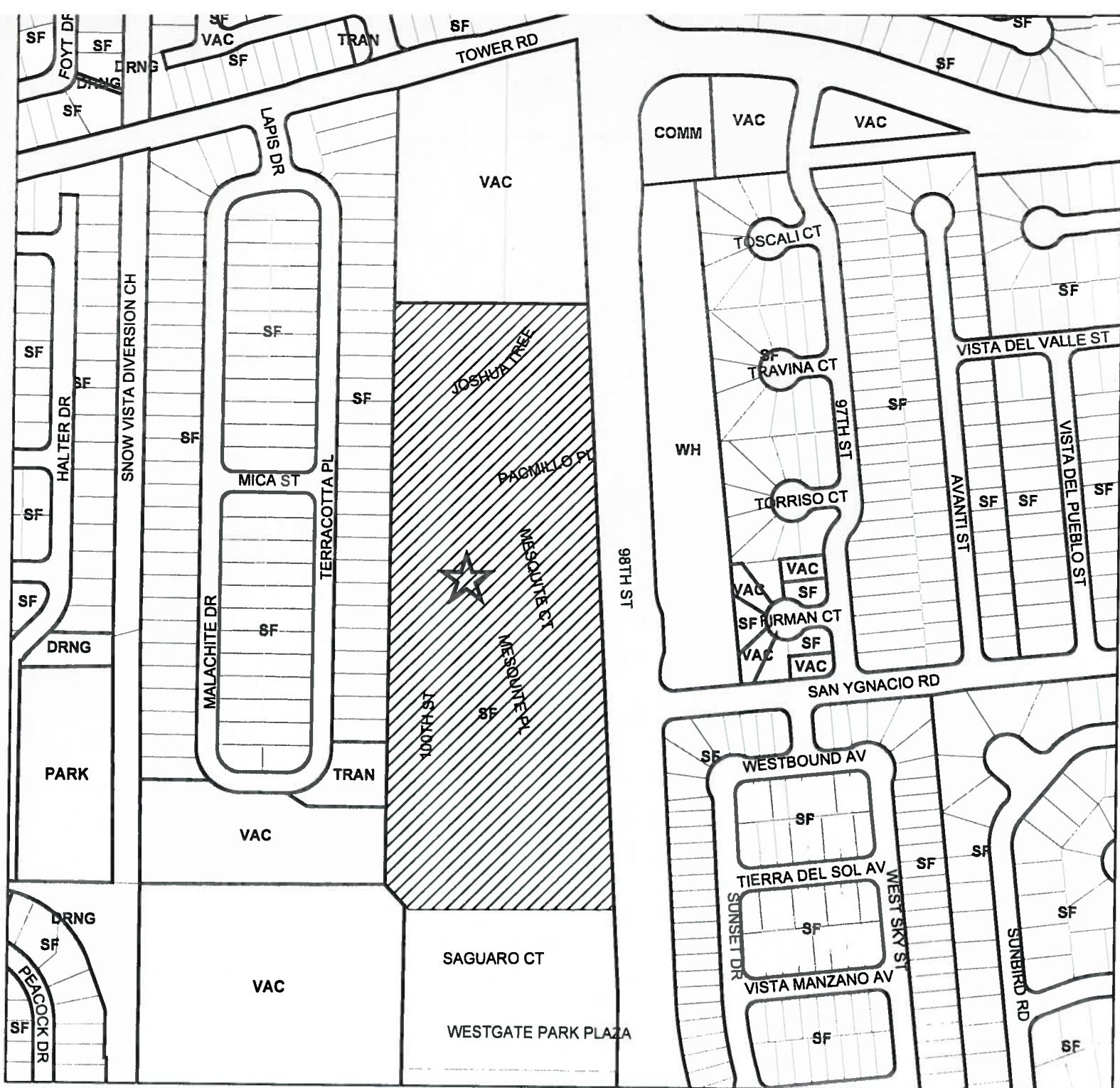




**Note:** Grey shading indicates County.



**Zone Map Page: L-09**  
**Additional Case Numbers:**  
**15-40039 & 15-40041**



## LAND USE MAP

Note: Grey shading  
indicates County.

### KEY to Land Use Abbreviations

AGRI Agriculture  
COMM Commercial - Retail  
CMSV Commercial - Service  
DRNG Drainage  
MFG Manufacturing  
MULT Multi-Family or Group Home  
PARK Park, Recreation, or Open Space  
PRKG Parking  
PUBF Public Facility  
SF Single Family  
TRAN Transportation Facility  
VAC Vacant Land or Abandoned Buildings  
WH Warehousing & Storage



1 inch = 300 feet

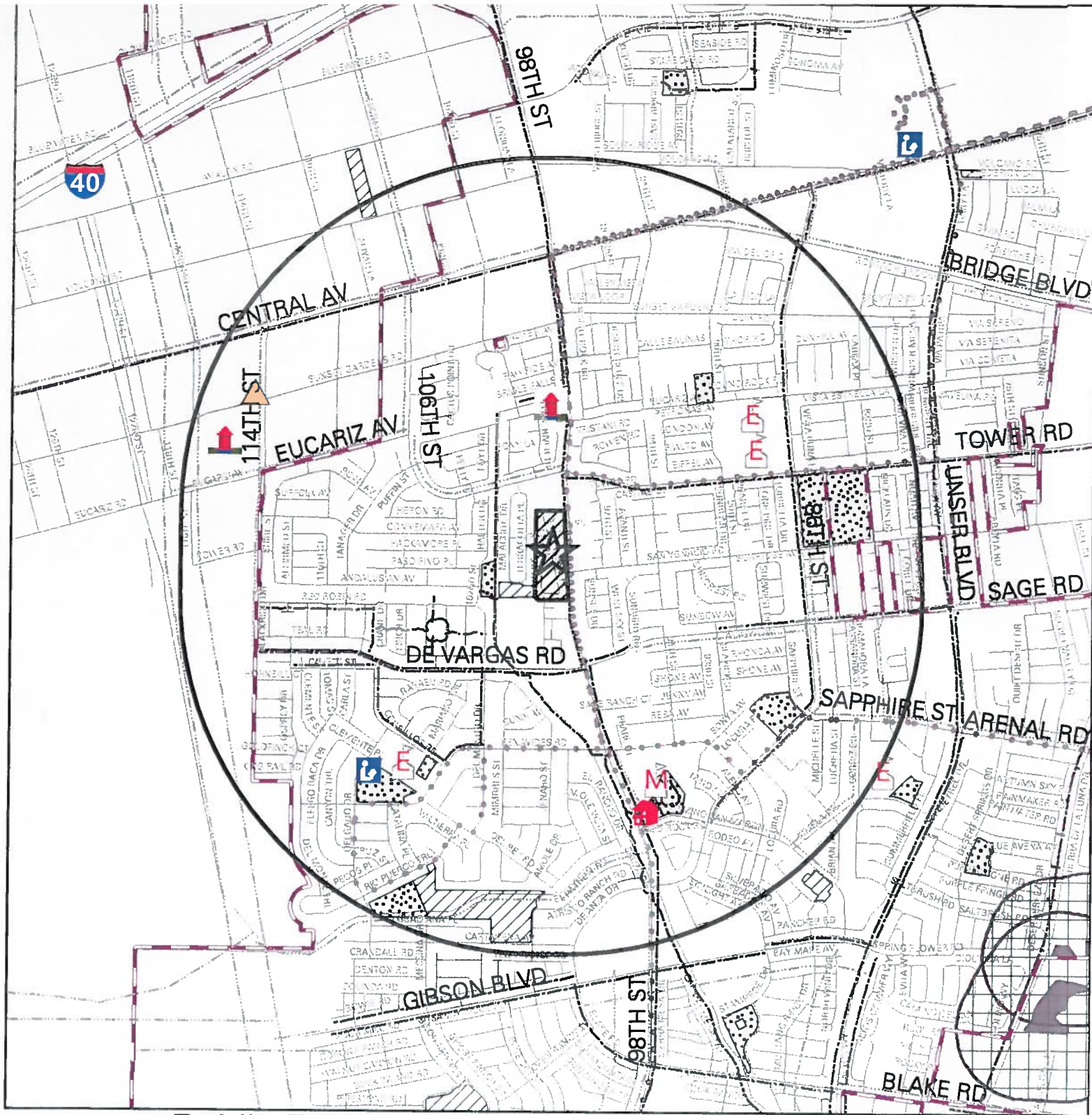
Project Number:  
1010551

Hearing Date:  
9/10/2015





















Zone Map Page: L-09  
Additional Case Numbers:  
15-40039 & 15-40041







Public Facilities Map with One-Mile Buffer

- |   |   |  |   |
|---|---|--|---|
|  COMMUNITY CENTER     |  FIRE                    |  APS Schools              |  Landfill Buffer (1000 feet) |
|  MULTI-SERVICE CENTER |  POLICE                  |  ABQ Ride Routes          |  Landfills designated by EHD |
|  SENIOR CENTER        |  SHERIFF                 |  ABQ Bike Facilities      |  Developed County Park       |
|  LIBRARY              |  SOLID WASTE             |  Proposed Bike Facilities |  Undeveloped County Park     |
|  MUSEUM               |  Albuquerque City Limits |  |  Developed City Park         |
|   |   |  |  Undeveloped City Park       |

Project Number: 1010551

0 0.5 1 Miles



## ***I. AREA CHARACTERISTICS AND ZONING HISTORY***

***Surrounding zoning, plan designations, and land uses:***

	<b><i>Zoning</i></b>	<b><i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i></b>	<b><i>Land Use</i></b>
<b><i>Site</i></b>	R-T	Established Urban West Side Strategic Plan Southwest Area Plan Tower/Unser Sector Development Plan	Mobile Home Park
<b><i>North</i></b>	O-1	Developing Urban & Established Urban West Side Strategic Plan Southwest Area Plan Tower/Unser Sector Development Plan	Vacant
<b><i>South</i></b>	C-2	Established Urban West Side Strategic Plan Southwest Area Plan Tower/Unser Sector Development Plan	Mobile Home Park, day care, small neighborhood commercial uses
<b><i>East</i></b>	O-1, R-T	Developing Urban & Established Urban West Side Strategic Plan Southwest Area Plan Tower/Unser Sector Development Plan	Storage units, Single-family homes
<b><i>West</i></b>	R-T	Developing Urban & Established Urban West Side Strategic Plan Southwest Area Plan Tower/Unser Sector Development Plan	Single-family homes, vacant

## ***II. INTRODUCTION***

### ***Proposal***

The proposal is for a sector development plan map amendment (zone change) to the Tower Unser Sector Development Plan (TUSDP) for Tract 2A, Westgate Mobile Home Park, approximately 14.5 acre site that contains a portion of the existing Sage Mobile Home Park (the "subject site"). The applicant proposes to change the subject site's zoning from R-T to SU-1 for Mobile Home Park and correspondingly amend the TUSDP.

Since the requested zone is SU-1, a site development plan is required [Ref: §14-16-2-22(A)(1)]. The applicant has provided an "as built" site development plan for the mobile home development, which includes the subject site.

### ***Environmental Planning Commission (EPC) Role***

The EPC is hearing this case because the EPC is required to hear all zone map amendment (zone change) cases, regardless of site size, in the City. Because the subject site is greater than one block (10 acres) and the applicable sector development plan uses SU-2 zoning, the City Council is the approval

---

authority and the EPC is a recommending body pursuant to Zoning Code §14-16-2-23(b)(2)(a) and §14-16-4-1(C)(15)(c). The proposal is a quasi-judicial matter.

An EPC recommendation cannot be appealed, though an aggrieved party can file a protest. A protest would be included in the record transmitted to the City Council. The City Council will make the final administrative decision.

### ***Context***

The subject site, which contains an existing mobile home park, is located on Albuquerque's SW mesa in the Westgate area. The area is characterized by predominantly single-family homes on small lots, with a few commercial uses along 98<sup>th</sup> St. To the north and south of the subject site is vacant land. To the immediate south is another tract of the existing mobile home park, and a smaller tract with a day-care facility and some small neighborhood commercial uses (ex. bakery, pizza place).

To the east is 98<sup>th</sup> St., across from which is a self-storage facility and single-family homes. To the west is another subdivision of single-family homes and some vacant land. Some commercial services are located to the south at the intersection of DeVargas/Sage and 98<sup>th</sup> St.

The subject site is not located in a designated Activity Center or Metropolitan Redevelopment Area (MRA).

### ***History & Background***

In May 1960, the City Planning Commission (CPC) approved a request for a master plan for "Hoffman City" (S-1082-MP-1), which included a lot of SW mesa land that was originally part of the Atrisco land grant. The original request was for 3,800 acres, but the acreage was reduced to 2,500. The applicant was Hoffman Homes. The master plan included homes, churches and schools. It appears that the master plan approval occurred prior to annexation of the portion of the area that includes the subject site, though records aren't entirely clear (there is a reference to Hoffman City from 1959).

It appears that the southern part of the mobile home park (Tracts 1 & 3) annexed in 1960 as part of a larger, approx. 75 acre annexation associated with the "Snow Vista Master Plan" (AX-29/Z-986, see attachments). The CPC heard the request in September and the City Council subsequently approved it. The Snow Construction Company had purchased the land and intended to develop a variety of uses and a street network to serve the area. The following zones were established: R-1, O-1, C-1, C-2 and M-2. Apparently, C-2 zoning for the southern portion of the mobile home park was established through this action.

It is unclear why the subject site, Tract 2-A, apparently was not included. In June 1966, the subject site was part of a platting action to define Tract 1 and Tract 2 of Snow Vista (S-1478, see attachment). In June 1970, the CPC heard a request for annexation and establishment of C-2 zoning on the subject site (Z-70-69/AX-70-20, see attachment). Interestingly, the Staff planner noted that a mobile home park is a conditional use in the A-1 zone, which is what the subject site was zoned at the time, and that a zone change was not necessary. However, the CPC and then the City Council approved the C-2 zoning. The mobile home park was constructed sometime in the early 1970s.



---

Upon adoption of the Tower/Unser Sector Development Plan (TUSDP) in August 1989 (Bill No. R-365/Enactment No. 129-1989), zoning for the approximately 14.5 acre subject site was established as R-T (see Figure 12- Recommended Zoning). Figure 6, Existing Zoning, shows the subject site zoned RA-2. The TUSDP does not explain why the R-T zoning category was chosen for the subject site; mobile homes are not allowed in the R-T zone and at that time the mobile home park would have existed for over 15 years. Since then, the SW mesa area has continued to develop and has become one of the fastest growing parts of the City.

### ***Long Range Roadway System***

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways. 98<sup>th</sup> St. is designated as an Urban Principal Arterial. Gibson Blvd. and Blake Rd. are Urban Collectors. A bicycle path exists along 98<sup>th</sup> St. SW.

### ***Transit***

The subject site is well-served by Transit. ABQ Ride Route 198, 98<sup>th</sup>/Dennis Chavez, runs from Central Ave., down 98<sup>th</sup> St. and along Dennis Chavez Blvd. It offers service from the morning into the night on weekdays and on Saturdays and Sundays. ABQ Ride Route 54, Bridge/Westgate, offers similar service but not on Sundays. Two bus stops serve the subject site. One is just south of Tower Rd. The other, which includes a shelter, is near the southern entrance to the mobile home park.

### ***Public Facilities/Community Services***

Public facilities, such as a library and community center, are located within a mile of the subject site. There are also parks and schools (middle and elementary).

» For more information, please refer to the Public Facilities Map (see attachment).

## ***III. ANALYSIS - Albuquerque Comprehensive Zoning Code***

### ***Definitions (Zoning Code §14-16-1-5)***

**MOBILE HOME.** A movable or portable housing structure larger than 40 feet in body length, 8 feet in width, or 11 feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes; it does not include structures built to the standards of the Building Code and other technical codes adopted in § 14-1-3, as of the date of the unit's construction.

**MOBILE HOME DEVELOPMENT.** An area developed or intended to be developed for occupancy by two or more mobile homes which are used for dwelling purposes. It includes areas known as mobile home parks, where lots or spaces are rented individually to residents; mobile home subdivisions, where lots are sold individually, usually to residents of the lots; or other forms of ownership.

**NONCONFORMING USE.** A use of a structure or land which does not conform to uses allowed under the regulations of this Article or to uses allowed under an applicable sector development plan and which was an allowed use at the time the use was first undertaken.

---

## ***Zoning***

Existing Zoning: The subject site is zoned R-T Residential zone. The R-T Zone “provides suitable sites for houses, townhouses, and uses incidental thereto in the Established and Central Urban areas” (see Zoning Code §14-16-2-9). The R-T zone allows “uses permissive in the R-1 zone” (Zoning Code §14-16-2-6) with four exceptions and townhouses. Conditional uses are those in the R-1 zone. However, the R-1 zone does not allow mobile homes so, therefore, the R-T zone does not allow mobile homes.

Because the zoning map of the Tower/Unser Sector Development Plan (TUSDP) would change as a result of the request, the request is referred to as a “sector development plan map amendment.”

The TUSDP shows the subject site’s recommended zoning as R-T (see Figure 12, p. 61) and existing zoning as RA-2 (see Figure 6, p. 25). Upon adoption of the TUSDP in 1989, the subject site’s zoning became R-T and the mobile home park became a non-conforming use (see also History section of this report).

Proposed Zoning: The applicant proposes the following zoning: “SU-1 for Mobile Home Development.” The SU-1 zone (see Zoning Code §14-16-2-22) provides suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. The SU-1 designation requires an associated site development plan and is dependent upon it. The interdependence of the two would ensure that the zoning, limited to only the mobile home development use, allows only that use and what is shown on the site development plan.

Zoning Code §14-16-2-7, the MH Mobile Home zone, provides suitable sites for mobile home developments. This zone may be located only where other types of residential development of comparable densities would be considered appropriate.

Non-Conformance: The Non-Conformance Regulations (Zoning Code §14-16-3-4) state the following with respect to mobile homes:

- (7) *Except as otherwise provided for herein or pursuant to an applicable sector development plan a non-conforming use of land shall be made to conform within one year of the use becoming nonconforming.*
  - (a) *A nonconforming use of land consisting of a mobile home shall be made to conform within five years of becoming nonconforming.*
  - (b) *A nonconforming use of land and incidental structures consisting of a mobile home development may remain for the life of the fixtures, which shall never be more than 50 years but only if:*
    - 1. *The mobile home development does not cease operation for a continuous period of one year or more;*
    - 2. *Any private street system servicing the mobile homes is paved at least to a standard approved by the Planning Director and the Traffic Engineer according to the standards of § 14-14-4-6, Subdivision Regulations (even though there may be no new subdivision); and*
    - 3. *Mobile homes within the development are skirted with materials compatible with the siding of the mobile home or the unit is situated at ground level within two years of the mobile home development becoming non-conforming.*



---

*4. Additions to nonconforming mobile home developments shall conform to current zoning.*

Subsection (7)(b) applies to the subject site (Tract 2A). The existing mobile home park was built in the 1970s. The applicant states that, due to non-conformance, Tract 2A (which is the only non-conforming tract of the three tracts comprising the mobile home park) must come into compliance by 2026. Staff suggests that the site development plan reference the requirements above, since they will apply to Tract 2A (which is the majority of the existing mobile home park). However, the requirements tied to remedying non-conformance would not apply to Tracts 1 and 3, which are adjacent south of Tract 2A. Staff has a couple of thoughts: 1) that Tracts 1 and 3 be included in the zone change; or 2) that Tracts 1 and 3 be subject to a private agreement to ensure that they bring the existing mobile homes up to Code requirements, so that the development is uniform in quality.

**IV. ANALYSIS -ADOPTED ORDINANCES, PLANS, AND POLICIES**

**A) ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN (RANK I)**

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Established Urban. The Goal of Developing and Established Urban Areas is "to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment."

*The proposal would allow approximately 2/3 of the existing mobile home park to remain and no longer be a non-conforming use. In doing so, the Westgate community would continue to offer variety and maximum choice in housing and lifestyles. Site improvements required by the non-conformance regulations would help contribute to a visually pleasing built environment. The proposal generally furthers the Established Urban Goal.*

*Land Use Policies-Developing & Established Urban*

Policy II.B.5a: The Developing Urban and Established Urban areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

*By allowing approximately 2/3 of the mobile home park to remain, the proposal would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family residential uses (single-family homes). Policy II.B.5a-full range of urban land uses, is generally furthered.*

Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

*Some improvements to the subject site would be required that would generally help rehabilitate this older area, though the subject site is only part of the neighborhood and Tract 2A is only part of the mobile home development. Policy II.B.5o-redevelopment of older neighborhoods, is partially furthered.*

### *Community Identity & Urban Design*

The Goal is to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

*Since the mobile home park has existed since the 1970s, it has become part of what defines the Westgate community. Allowing it to remain would ensure that variety and maximum choice in housing and lifestyles would continue to exist in this area, which is dominated by subdivisions of single-family homes. Site improvements would contribute to a pleasing built environment. The proposal furthers the Community Identity & Urban Design Goal.*

### *Community Resource Management-Transportation and Transit*

Goal: To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

*Efforts to develop 98<sup>th</sup> St. as a transportation corridor have been made. There is a bus shelter near the subject site and bicycle lanes along 98<sup>th</sup> St. The subject site is well-served by two ABQ Ride routes. The proposal would allow residents to remain and continue to utilize available alternatives to automobile travel. However, the existing mobile home park (at approximately 6 DU/ac) is not the kind of higher density development that really supports transit and bicycling. The Transportation and Transit Goal is partially furthered.*

### *Community Resource Management-Housing*

Goal: to increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing.

*The proposal would allow approximately 2/3 of the mobile home park to remain, thereby preventing the displacement of low-income residents, maintaining the supply of affordable housing, and improving the quality of the existing housing by bringing existing dwellings up to Zone Code standards. The supply of affordable housing would not increase. In sum, the proposal furthers the Housing Goal.*

Policy II.D.5a: The supply of affordable housing, shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.

*The proposal would preserve the affordable housing that the mobile home park provides, and ensure that such housing (likely to be a more reasonable proportion of income for residents than other housing options) remains. The proposal furthers Housing Policy II.D.5a- affordable housing.*



***B) WEST SIDE STRATEGIC PLAN (WSSP) (RANK II)***

The West Side Strategic Plan (WSSP) was first adopted in 1997 and amended several times since then (2002, 2005, 2008, 2009 and 2011). The WSSP area encompasses over 96,000 acres of land, or approximately 150 square miles. Specific boundaries are shown on p.2 of the Plan.

The first amendments, in 2002, included changes to policies and activity center boundaries. The *Southwest Albuquerque Strategic Action Plan (SWASAP)*, revised from the 1999 version, became part of the WSSP in 2009 (Enactment R-2009-035).

The WSSP identifies 13 communities in established areas of the West Side, each with a unique identity and comprised of smaller neighborhood clusters. The subject site is located in the Bridge/Westgate community, which lies within the following boundaries: Central Ave. on the north, Coors Blvd. on the east, the 118<sup>th</sup> St. corridor on the west, and Blake Rd. on the south (see p. 70).

***Community Concept Policies***

**WSSP Policy 1.1:** Thirteen distinct communities, as shown on the Community Plan Map and described individually in this Plan, shall constitute the existing and future urban form of the West Side. Communities shall develop with areas of higher density (in Community and Neighborhood Centers), surrounded by areas of lower density. Bernalillo County and the City of Albuquerque Planning Commissions shall require that high density and non-residential development occur within Community and Neighborhood Centers. Low density residential development (typical 3-5 du/acre subdivisions, or large lot rural subdivisions) shall not be approved within the Centers.

***The subject site is located in the Bridge/Westgate community and is not within the boundaries of a designated Activity Center. The existing mobile home park, at approximately 5 DU/ac, is the type of lower-density residential development referred to above that is intended to be located outside designated Centers. The request generally furthers WSSP Policy 1.1.***

**WSSP Policy 2.5:** When considering approval of subdivisions or site development plans for residential development or zone changes to residential or higher density residential, the City Planning Department shall consider whether local public schools have sufficient capacity to support the increased number of homes. If area schools are at or over their designed capacity, then the requested action should be denied unless the applicant demonstrates that the proposed action will create no net increase in enrollment for area schools (e.g. senior housing.)

***The Planning Department is required to consider school capacity because the proposal is for a site development plan for a residential development. The proposal would not result in any new households because the development already exists. Rather, it would allow existing households to remain and therefore would not affect school capacity. APS comments that the proposal will have no adverse impacts. The proposal does not affect WSSP Policy 2.5-school capacity/residential development.***

**WSSP Policy 3.46:** Promote densities consistent with those found in the Sector Development Plans for the Bridge/Westgate Community, with densities as high as 30 DU/ac within the designated Community Activity Centers and adjacent areas.

---

*In the Zoning chapter, the Tower/Unser Sector Development Plan (TUSDP) states that “The residential zoning is supported by neighborhood commercial and office zoning located at major intersections...” and that single-family homes and multi-family uses up to 20 DU/ac are included. Though the proposal would not change existing residential density, it would be consistent with the densities referred to in the TUSDP. The mobile home development, at approximately 6 DU/ac, is located outside of a designated activity center and not at a major intersection where non-residential zoning is intended. The proposal further WSSP Policy 3.46.*

**C) SOUTHWEST ALBUQUERQUE STRATEGIC ACTION PLAN (SWASAP) (RANK II)**

In March 2009, the City Council adopted the Southwest Albuquerque Strategic Action Plan (SWASAP) and made it a new chapter of the West Side Strategic Plan (WSSP), which was correspondingly amended (Bill No. R-08-169). The WSSP, which contains the SWASAP, applies to land within municipal boundaries. Bernalillo County did not adopt the SWASAP, so it does not apply to unincorporated lands.

The SWASAP replaced the Southwest Area Plan (SAP), first adopted in 1988 and subsequently amended in 1999, 2002 and 2009. Boundaries of the SWASAP are Paseo del Volcan on the west, Coors Blvd. on the east, Central Ave. on the north, and Dennis Chavez (Rio Bravo) Blvd. on the south.

The primary Goal of the SWASAP is for SW Albuquerque to become a complete community. The SWASAP contains projects and programs to help achieve this based on five interconnected goals (see below); each goal contains a subset of strategies to support and implement it. For example, the strategy of designating activity centers in key locations will help implement the goal of complete communities by providing convenient commercial and retail services to residents, who would then have the option to use alternative modes of transportation.

The five SWASAP goals are:

- Goal 1: Build complete neighborhoods and a network of activity centers to serve them
- Goal 2: Provide convenient public services
- Goal 3: Plan and build a complete interconnected system of public parks, trails and major public open space
- Goal 4: Increase and improve retail and commercial services, and
- Goal 5: Develop a complete multi-modal transportation network.

Goals 1 and 5 apply to the request. Staff finds the following:

Goal 1: Build complete neighborhoods and a network of activity centers to serve them (p. 321).

*The general idea is the same as in the Comprehensive Plan—to cluster non-residential uses such as retail, offices, public facilities, and multi-family residences in designated Neighborhood and Community Activity Centers. Activity centers are intended to be pedestrian-friendly, accessible but not dominated by vehicles, and contain a mixture of uses and housing opportunities different from those in the interior of neighborhoods (i.e.- different than the typical single-family residential subdivision).*



---

*The proposal, which would facilitate part of the mobile park's continued existence, would help re-inforce the abovementioned idea by allowing a lower density residential use outside of the designated activity centers for the Bridge/Westgate community. The request generally furthers Goal 1.*

Goal 5: Develop a complete multi-modal transportation network (p. 353).

*One applicable objective is to have a well-connected network that allows people to easily walk, bicycle, drive or take a bus. The proposal would result in some of the City's lower-income residents being able to remain in their homes, which have access to two bus stops, and being able to continue to support the Transit system. Two transit lines serve the subject site. There is also a bike lane on 98<sup>th</sup> St. The proposal furthers Goal 5.*

#### **D) TOWER/UNSER SECTOR DEVELOPMENT PLAN (TUSDP) (RANK III)**

First adopted in 1989 (Council Bill No. R-365, see attachment), the Tower/Unser Sector Development Plan (TUSDP) established basic zones (see Figures 12 and 13) and a design overlay zone (see Figure 14). It also established special zoning designations and used SU-2 zoning for some properties but not for others (see Section VI).

The TUSDP contains approximately 1,652 acres and generally encompasses properties between Sunset Road on the north, Sage Road on the south, the Powerline Channel on the west, and several lots east of Coors Boulevard on the east. Specific boundaries are shown on Figure 1. The design overlay zone applies to certain properties along Coors Blvd. because it references the Coors Corridor Plan (CCP, see p. 66b). At the time of adoption, most of the plan area was vacant land. The mobile home park, subject of this request, is referred to on p. vi.

The TUSDP is divided into six sections, which discuss boundaries, ownership information, utilities, justification for zone categories, additional requirements (ex. design overlay zone) and appendices. There are eight Major Policy Recommendations (see Appendix C). Of these, Staff finds that none are relevant to the proposal. However, Policy Recommendation 2, "City Zone Categories in Response to Larger Region", is discussed in this report in Section III (Zoning).

#### **V. SECTOR DEVELOPMENT PLAN MAP AMENDMENT**

##### **RESOLUTION 270-1980 (POLICIES FOR ZONE MAP AMENDMENTS)**

###### **Requirements**

Resolution 270-1980 outlines policies and requirements for deciding zone map change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone map pattern was created; or 2) changed neighborhood or community conditions justify the change; or 3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Justification & Analysis

The zone change justification letter analyzed here is dated August 28, 2015 (see attachment). The subject site is currently zoned R-T Residential zone. A change of zone would constitute an amendment to the map in the Tower/Unser Sector Development Plan (TUSDP). The requested zoning is SU-1 for Mobile Home Park. The reason for the request is to allow approximately 2/3 of the existing mobile home park to remain.

The applicant believes that the proposed sector development plan map amendment (zone change) conforms to R270-1980 as elaborated in the justification letter. Staff analysis is in **bold text**. The citation in quotes is from R270-1980.

1A. "A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City."

*Applicant (summarized): The request is consistent with the health, safety, morals and general welfare of the residents of the City. It will ensure that affordable housing continues to be available in this area; most housing in this area is relatively expensive compared to a mobile home. If the request is granted, it will ensure that the mobile home park remains, thereby meeting specific goals and policies set out by the City's governing body.*

**Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has done in the response to Section 1.C. It's also important to note that the proposed zone change is limited to specified uses and, as a change to an SU-1 zone, is dependent upon an associated site development plan. The response to Section 1.A is sufficient.**

1B. "Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made."

*Applicant (summarized): If the request is granted, it will ensure that the entire mobile home park will be allowed to remain, which will provide stability of land use and zoning in the area. It will also provide additional affordable housing. The mobile home park has been in place since the 70s. Although the other two tracts are zoned C-1, the request ensures that the entire park will continue to operate, which leads to stability of land use in the area.*

**Staff: Staff agrees that rezoning the subject site and allowing the mobile home park to remain would contribute to stability of land use in the area, especially since the mobile home park use has existed since the 1970s. Stability of zoning, however, is a little different. The request would change zoning for Tract 2A, a portion of the mobile home park. The mobile home park would have two types of zoning rather than one.**

*However, another factor is the limited scope of the requested zoning; a broader change to general commercial uses could destabilize land use in the area because it would allow all C-2 uses,*



---

*permissive and conditional. The specific use of a mobile home park would generally improve stability of zoning, however, by aligning the use with appropriate zoning category and removing the non-conforming status. The response to Section 1.B is sufficient.*

1C: "A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City."

*Applicant (summarized): The request will not be in significant conflict with, and will clearly facilitate, realization of the Comprehensive Plan, the Unser SDP, the WSSP and the SW Area Plan. The applicant has chosen to demonstrate that the request will "clearly facilitate" realization of the aforementioned plans in response to a recent LUHO opinion.*

*Citations: Relevant citations include the Comprehensive Plan- Developing and Established Urban Goal and Land Use policy II.B.5k, II.B.5m, II.B.5o and II.B.5p; the Housing Goal and Policy II.D.5a. WSSP intention re: density for Bridge/Westgate, General Goals 7 and 10; SWAP and TUSDP intentions regarding density and buffering.*

*Staff finds that these citations do not apply: Central Urban Goal and policies a and b (focuses on arts linkages); Land Use policy II.B.5d (applies to new development).*

*The policy citations are sufficient overall. The applicant explains that the proposed zone change, will allow the density objectives of the WSSP, SWAP and TUSDP to be achieved. The mobile home park's density of approximately 6 DU/ac is below the 9 DU/ac referred to in the SWAP and a little above the 5 DU/ac recommended in the WSSP. These are overall area densities, and allowing the mobile home park to remain would generally not compromise them. Staff finds that general consistency with applicable goals and policies can be demonstrated.*

*The test under Section 1C is whether or not there is "significant conflict" with an adopted element of the Comprehensive Plan or other City master plan such as a sector development plan. In this case, because the request is to an SU-1 zone, the higher standard of "clearly facilitates" found in Section 1I (spot zone test) applies. The applicant has demonstrated that the request would clearly facilitate applicable Goals, policies and intentions in the abovementioned Plans. The response to Section 1C is sufficient.*

1D. "The applicant must demonstrate that the existing zoning is in appropriate because:

- 1) there was an error when the existing zone map pattern was created, or
- 2) changed neighborhood or community conditions justify the change, or
- 3) a different use category is more advantageous to the community, as articulated in the comprehensive Plan or other City master plan, even though (1) and (2) above do not apply."

*Applicant (summarized): Though it's necessary to meet one of the above, the request satisfies two. There have been changed conditions, namely the preponderance of single-family homes in the area, which are relatively expensive compared to mobile homes. The request is also more advantageous to the community as set out in the response to Section C, above.*

**Staff:** *The response refers to changed neighborhood conditions (2) and to a different use category being more advantageous to the community (3). Staff finds that the applicant has adequately demonstrated, by the policy-based discussion in Section 1C, that the proposed zoning would be more advantageous to the community overall than the current zoning.*

**Regarding the changed neighborhood conditions, Staff finds the following: on one hand, neighborhood conditions with respect to the dominance of single-family homes have changed since the mobile home park was built in the 1970s. Very little development existed at that time. On the other hand, for several years now, practically the only development in the SW Mesa area has been single-family homes. That pattern has become the norm over time, so it hasn't really changed. However, since only one of the reasons is required to be substantiated, the response to Section 1.D is sufficient.**

1E. "A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community."

**Applicant (summarized):** *The request will not allow any uses that would be harmful to adjacent property, the neighborhood or the community, as the only use allowed by the requested zoning would be the existing mobile home park. Improvements to the as-built environment will make the mobile home park more appealing to residents and adjacent property owners.*

**Staff:** *The narrowly defined SU-1 zoning would allow the existing mobile home development use to continue to operate; this is the only use that would be allowed. Other uses that could be considered harmful in the subject site's setting, such as certain commercial or industrial uses, would be prohibited. The response to Section 1.E is sufficient.*

1F. "A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the City may be:

- 1) denied due to lack of capital funds, or
- 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule."

**Applicant (summarized):** *The request would not require any major or unprogrammed capital expenditures by the City, as the mobile home park already exists.*

**Staff:** *The request would not require major or unprogrammed capital expenditures by the City. The response to Section 1.F is sufficient.*

1G. "The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone."

**Applicant:** *The cost of land or other economic considerations pertaining to the applicant is not the determining factor for the zone change. The determining factor is to continue to provide affordable housing and not put the residents onto the street. Nearly 100 families would be forced to find alternative housing.*

---

***Staff: Economic considerations are clearly a factor, since the mobile home park would be foreclosed upon unless the use and the zoning align and financing can be secured. Staff agrees that the determining factor is continuing to provide affordable housing, which clearly facilitates a preponderance of applicable Goals and policies as demonstrated by the applicant in the response to Section 1C and Section 1J. The response to Section 1.G is sufficient.***

1H: "Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning."

***Applicant: The request is not for apartment, office or commercial zoning.***

***Staff: Staff agrees that the request is not for apartment, office or commercial zoning, although the subject site is located on a major street (98<sup>th</sup> St.). The SU-1 for Mobile Home Development zoning is very specific to Tract 2A of the existing mobile home park only. The response to Section 1.H is sufficient.***

1I: "A zone change request which would give a zone different from surrounding zoning to one small area, especially when only premise is involved, is generally called a 'spot zone'. Such a change of zone may be approved only when:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearby, or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone."

***Applicant (summarized): Although the request would result in a spot zone, it is still allowed because the request will clearly facilitate realization of the Comprehensive Plan and other applicable planning documents. Please see the justification set out in Section C.***

***Staff: Staff points out that whether or not a proposed zone change would result in a spot zone depends upon the zoning, not the land use, of the properties nearby. Land uses and zoning sometimes do not correspond, especially in older developed areas.***

***The SU-1 zone creates a spot zone by definition; however, it is required to be a justifiable spot zone according to reason 1) or reason 2). The applicant has demonstrated in the response to Section 1.C that the proposed change would facilitate realization of the Comprehensive Plan and the HCRNSDP (1). The response to Section 1.I is sufficient.***

1J: "A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called 'strip zoning'. Strip commercial zoning will be approved only where:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, and



2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.”

*Applicant (summarized): The request would result in an area of land along 98<sup>th</sup> St. to be zoned different than adjacent properties; however, the request clearly facilitates realization of the Comp Plan, the SW Area Plan, the WSSP and the Unser SDP as set out in Section C above.*

*Staff: Staff agrees that the request would not result in a strip zone and that the request clearly facilitates realization of applicable Goals and policies. However, Section 1J refers to “strip commercial” and the test is intended to ensure that strip commercial developments, if approved, are justifiable. The request is for a type of residential zoning, so Section 1J doesn’t apply. The response to Section 1.J is sufficient.*

**Staff Conclusion**

*Staff finds that the applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The policy-based response to Section 1C demonstrates how the request clearly facilitates applicable Goals and policies in the Comprehensive Plan, The WSSP, the SWAP and the TUSDP (Section 1C). Staff recommends that a recommendation of approval of the sector development plan map amendment (zone change) be forwarded to the City Council.*

**VI. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT- “AS BUILT” & PROCESS**

A site development plan is required for a zone change to an SU-1 Zone pursuant to §14-16-2-22-(A)(1). Zoning Code §14-16-3-11 states, “...Site Development Plans are expected to meet the requirements of adopted city policies and procedures.”

The applicant has provided an “as built” site development plan (see attachment) and applied for a site development plan for building permit. This is standard procedure for existing “as built” on developed sites. Since an SU-1 zone is requested, Staff recommends clear documentation of what exists on the site so the site development plan won’t have to be amended later. In some instances, it is unclear what is “existing” and what is “proposed.”

***Site Plan Layout / Configuration***

The subject site is located adjacent west of 98<sup>th</sup> St., just south of Tower Rd. and north of DeVargas/Sage Rd. Though tracts are not clearly indicated on the site development plan, Staff counts 88 mobile homes on Tract 2-A (and 152 homes in the entire development).

*Refuse Enclosure:* Residential service trash carts are probably used. A note should be added for clarity.

***Vehicular Access, Circulation & Parking***

*Access & Circulation:* There are two entrances to the subject site, both on Tract 3 and both from 98<sup>th</sup> St. The mobile home park is served by an internal roadway network of streets and cul-de-sacs. Drive-aisles should be dimensioned on the site plan.

**Parking:** Because the requested zoning is SU-1, off-street parking is as decided by the EPC pursuant to Zoning Code §14-16-2-22, Special Use Zone. Subsection (A)(19) of Zoning Code §14-16-3-1, Off Street Parking Regulations, states that two spaces are required for each mobile home. Parking calculations for minimum required spaces need to be shown on the site development plan. It's unclear how many parking spaces there actually are at the mobile home park. A note stating the requirement should be added for clarity.

**TIS:** A Traffic Impact Study (TIS) was not required.

***Pedestrian and Bicycle Access and Circulation, Transit Access***

Pedestrian and bicycle access is possible from the two entrances on Tract 3, just south of the subject site. The subject site is well-served by two bus routes. Two bus stops serve the site. One is just south of Tower Rd. The other, which includes a shelter, is near the southern entrance to the mobile home park.

***Walls/Fences***

A wall exists along the length of the subject site and Tract 3 to the south. The wall should be labeled on Sheets 1 and 2 of the site plan. Walls also exist on the other sides of the mobile home park. No new walls are proposed.

***Lighting and Security***

It is unclear how the subject site is lit. Any light poles need to be indicated.

***Landscaping***

The proposed improvements to the subject site consist of landscaping. Mature street trees, and smaller trees to fill in gaps, exist along 98<sup>th</sup> St. SW. They appear to be in good condition, so Staff doesn't believe that they need to be replaced. However, the applicant intends to add more trees, though it is not clear where. The site development plan doesn't indicate which trees exist and which are proposed now. Fade-back and labeling can be used to distinguish which is which. If a tree is not shown, it need not be listed on the legend. Juniper is required to be "female only" pursuant to the Pollen Ordinance.

The four large areas internal to the subject site, under the power poles, are not landscaped. Re-vegetating them with a seed mixture of xeric/native grasses is proposed. Staff suggests some type of temporary fencing, in addition to the fencing around the base of the transmission poles, to keep people from stepping on these areas to allow the seeds to establish themselves.

Staff suggests moving the irrigation details and planting details (which are too small to read) to a new, second sheet. This way, the seeding mixture information could be placed with the landscaping plan rather than on Sheet 1.

Zoning Code §14-16-3-10(E)(1), the landscaping regulations, require total landscape area not less than 15% net lot area- though the General Regulations do not "kick in" unless there is a building addition of 200 sf or more.

Zoning Code §14-16-3-10(E)(4) requires buffer landscaping between non-residential and residential uses. However, this subsection applies when “a non-residential zone is developed after April 2, 1990 for a non-residential purpose” and it abuts a residential zone. Since the subject site was developed before then, (E)(4) doesn’t apply.

#### ***Grading & Drainage Plan- Existing***

The Grading & Drainage plan exists and consists of two sheets. The first sheet shows the southern portion of the mobile home development and the second half shows the second portion. Since there is no drainage narrative, the applicant included a summary statement on Sheet 1 of the current proposal.

The revised drainage ordinance, which requires on-site collection of some run-off water, became effective on May 12, 2014. If determined necessary by the City Hydrologist, the grading and drainage plan may have to be updated.

#### ***Utility Plans***

Information regarding existing easements is provided on Sheet 1 and on the two survey sheets. The subject site is heavily encumbered with easements. A 100 foot PNM easement runs north-south through the mobile home park, which has developed around it. Other PNM easements are in various locations.

#### ***Architecture & Design***

The mobile homes are all existing and have been there for quite some time, so there is no typical elevation. Some are larger than others and some may have had additions built on over time. Staff suggests that such additions be inspected through the Building and Safety Division, if they have not been already.

The Non-Conformance Regulations (Zoning Code §14-16-3-4) require that mobile homes be skirted with materials compatible with the siding of the mobile home, or the unit is situated at ground level within two years of the mobile home development becoming non-conforming; and that additions to nonconforming mobile home developments conform to current zoning requirements. This applies to the subject site, Tract 2A. The mobile homes on Tract 3 are already conforming, so it wouldn’t apply. It’s up to the applicant to determine if these standards should apply to Tract 3 so all homes in the park are held to the same standard.

#### ***Signage***

It’s unclear if there is any signage on the subject site, though there is a sign for the mobile home park on the tract to the south (“Rosewood Mobile Home Park”). Staff suggests adding a general note (new note 2.d).

### ***VII. AGENCY & NEIGHBORHOOD CONCERNS***

#### ***Reviewing Agencies/Pre-Hearing Discussion***

City Departments and other agencies reviewed this request from 08/03/2015 to 08/14/2015. Hydrology Staff commented regarding depressing landscape beds below grade and on-site storm water management. A pre-design meeting is available if needed. Transportation Planning Staff of



the Department of Municipal Development (DMD) note that 98<sup>th</sup> St. is a principal arterial and that it has bike lanes. PNM notes that two large transmission easements cross the subject site. Agency comments begin on p. 26.

#### ***Neighborhood/Public***

The affected neighborhood organizations, as indicated by the Office of Neighborhood Coordination (ONC), are the Route 66 West Neighborhood Association (NA), the South Valley Coalition of NAs, the South West Alliance of Neighbors (SWAN), and the Westside Coalition of NAs, which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required. A facilitated meeting was neither recommended nor held.

Staff received a phone call from a resident who is also the vice president of the Route 66 West NA. She had questions about the proposal, zoning and the process. Staff has not received any additional calls or written comments as of this writing. Staff is not aware of any opposition as of this writing.

#### ***VIII. CONCLUSION***

The proposal is for a sector development plan map amendment (zone change) to the Tower Unser Sector Development Plan (TUSDP) and an associated, "as built" site development plan for building permit for an approximately 14.5 acre site that contains a portion of the existing Sage Mobile Home Park (the "subject site"). The applicant proposes to change the subject site's zoning from R-T to SU-1 for Mobile Home Park and correspondingly amend the TUSDP.

Staff concludes that the applicant has adequately justified the zone change pursuant to R270-1980. Overall, the proposal furthers a preponderance of relevant Goals and policies. Conditions of approval are needed to clarify items on the associated site development plan.

The affected neighborhood organizations and property owners were notified as required. Staff received a phone call from a resident, also the vice president of the Route 66 West NA, who had some questions. Staff has not received any additional calls or written comments as of this writing, and is not aware of any opposition.

Staff recommends that the EPC forward a recommendation of approval of the sector development plan map amendment and the associated site development plan for building permit to the City Council. A few conditions are needed to provide clarification.

---

***FINDINGS - 15EPC-40039, September 10, 2015- Sector Development Plan Map Amendment (zone change)***

1. The subject request is for a sector development plan map amendment (zone change) to the Tower Unser Sector Development Plan (TUSDP) for Tract 2A, Westgate Mobile Home Park, an approximately 14.5 acre site that contains a portion of the existing Sage Mobile Home Park (the "subject site"). The subject site is located adjacent west of 98<sup>th</sup> St. SW, between Tower Rd. and DeVargas/Sage Rd.
2. The sector development plan map amendment request is for a change from the R-T Residential Zone to SU-1 for Mobile Home Development, which would allow the existing mobile home development to remain. Mobile homes are not allowed in the R-T zone. The other tracts of the mobile home park, Tracts 1 and 3, are zoned C-2. Mobile homes are allowed in the C-2 zone, so the zone change is only needed for Tract 2A.
3. The subject request is accompanied by an as-built site development plan for building permit (15EPC-40041) as required pursuant to the SU-1 Zone, §14-16-2-22(A)(1).
4. Because the subject site is greater than 10 acres and the applicable sector development plan uses SU-2 zoning, the City Council is the approval authority and the Environmental Planning Commission (EPC) is a recommending body pursuant to Zoning Code §14-16-2-23(b)(2)(a) and §14-16-4-1(C)(15)(c). This is a quasi-judicial matter.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the Westside Strategic Plan, the Southwest Area Plan, the TUSDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The proposal furthers and partially furthers the following, relevant Land Use Policies in the Comprehensive Plan:
  - A. Policy II.B.5a-full range of urban land uses. By allowing approximately 2/3 of the mobile home park to remain, the proposal would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family residential uses (single-family homes).
  - B. Policy II.B.5o-redevelopment of older neighborhoods. Some improvements to the subject site would be required that would generally help rehabilitate this older area, though the subject site is only part of the neighborhood and Tract 2A is only part of the mobile home development.
7. The proposal furthers the Housing Goal and the following, applicable Housing Policy:
  - A. Goal: Approximately 2/3 of the mobile home park would remain, thereby preventing displacement of low-income residents, maintaining affordable housing supply, and improving the quality of existing housing by bringing the dwellings up to Zone Code standards.

- B. Policy II.D.5a- II.D.5a-supply of affordable housing. The proposal would preserve the affordable housing that the mobile home park provides, and ensure that such housing (likely to be a more reasonable proportion of income for residents than other housing options) remains.
8. The proposal generally furthers the Community Identity & Urban Design Goal. Since the mobile home park has existed since the 1970s, it has become part of what defines the Westgate community. Allowing it to remain would ensure that variety and maximum choice in housing and lifestyles would continue to exist in this area, which is dominated by subdivisions of single-family homes. Site improvements would contribute to a pleasing built environment.
9. The proposal furthers the following, applicable West Side Strategic Plan policies:
- A. WSSP Policy 1.1. The subject site is located in the Bridge/Westgate community and is not within the boundaries of a designated Activity Center. The existing mobile home park, at approximately 5 DU/ac, is the type of lower-density residential development referred to above that is intended to be located outside designated Centers.
- B. WSSP Policy 3.46. Though the proposal would not change existing residential density, it would be consistent with the densities referred to in the TUSDP. The mobile home development, at approximately 6 DU/ac, is located outside of a designated activity center and not at a major intersection where non-residential zoning is intended.
10. The Planning Department is required to consider school capacity because the proposal is for a site development plan for a residential development. The proposal would not result in any new households because the development already exists. Rather, it would allow existing households to remain and therefore would not affect school capacity. APS comments that the proposal will have no adverse impacts. The proposal does not affect WSSP Policy 2.5-school capacity/residential development.
11. The proposal generally furthers Goal 1 and Goal 5 of the Southwest Area Plan:
- Goal 1. The proposal would facilitate part of the mobile park's continued existence and allow a lower density residential use outside the designated activity centers. Activity centers are intended to be pedestrian-friendly, accessible but not dominated by vehicles, and contain a mixture of uses and housing opportunities different from those in the interior of neighborhoods (i.e.- different than the typical single-family residential subdivision).
- Goal 5. The proposal would result in some of the City's lower-income residents being able to remain in their homes, which have access to two bus stops and bicycle lanes, and being able to continue to support the Transit system. Two transit lines serve the subject site. There is also a bike lane on 98<sup>th</sup> St.
12. The TUSDP is divided in to six sections, which discuss boundaries, ownership information, utilities, justification for zone categories, additional requirements (ex. design overlay zone) and appendices.



---

There are eight Major Policy Recommendations (see Appendix C). Of these, Staff finds that none are relevant to the proposal.

13. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:

- A. Section 1A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has done in the response to Section 1.C. Also, the proposed zone change is limited to one specified use and, as a change to an SU-1 zone, is dependent upon an associated site development plan.
- B. Section 1B: Rezoning the subject site to allow the mobile home park to remain would contribute to stability of land use in the area, especially since the mobile home park use has existed since the 1970s. The specific use of a mobile home park would generally improve stability of zoning by aligning the use with appropriate zoning category and removing the non-conforming status.
- C. Section 1C: Because the request is for an SU-1 zone, the higher standard of "clearly facilitates" found in Section 1I (spot zone test) applies. The applicant has demonstrated that the request would clearly facilitate applicable Goals, policies and intentions in the WSSP, the SWAP and the TUSDP.
- D. Section 1D: The applicant has adequately demonstrated, by the policy-based discussion in Section 1C, that the proposed zoning would be more advantageous to the community overall than the current zoning.
- E. Section 1E: The narrowly defined SU-1 zoning would allow only the existing mobile home development use. Other uses that could be considered harmful in the subject site's setting, such as certain commercial or industrial uses, would be prohibited.
- F. Section 1F: The proposed zone change requires no capital expenditures by the City.
- G. Section 1G: Economic considerations are a factor. However, the determining factor is continuing to provide affordable housing, which clearly facilitates a preponderance of applicable Goals and policies as demonstrated by the applicant in the response to Section 1C and Section 1J.
- H. Section 1H: Though the subject site is located on a major street (98<sup>th</sup> St.), the request is not for apartment, office or commercial zoning.
- I. Section 1I: The requested SU-1 zoning is a justifiable spot zone in this case because it has been demonstrated that the request will clearly facilitate realization of applicable Goals and policies in the Comprehensive Plan, the WSSP, the SWAP and the TUSDP.

J. Section 1J: Though the request would cause an area of land along a street to be zoned differently from surrounding land, the request is not for commercial zoning and therefore would not result in a strip zone.

14. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The response to Section 1C provides a policy-based explanation of how the request clearly facilitates applicable Goals and policies in the Comprehensive Plan, the WSSP, the SWAP and the TUSDP, and supports the reasoning that a different zoning category would be more advantageous to the community (Section 1D). The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.

15. The affected neighborhood organizations are the Route 66 West Neighborhood Association (NA), the South Valley Coalition of NAs, the South West Alliance of Neighbors (SWAN), and the Westside Coalition of NAs, which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required. Staff received a phone call from a resident who had questions about the request, zoning and the process. Staff has not received any additional calls or written comments as of this writing, and is not aware of any opposition to the request.

***RECOMMENDATION - 15EPC-40039, September 10, 2015***

That the EPC forward a recommendation of **APPROVAL** of 15EPC-40039, a request for a sector development plan map amendment from R-T Residential Zone to SU-1 for Mobile Home Park for Tract 2A, Westgate Mobile Home Park, an approximately 14.5 acre site that contains a portion of the existing Sage Mobile Home Park, located adjacent west of 98<sup>th</sup> St. SW, between Tower Rd. and DeVargas/Sage Rd., to the City Council based on the preceding Findings and subject to the following Condition of Approval.

***CONDITION OF APPROVAL -15EPC-40039, September 10, 2015-Sector Development Plan Map Amendment***

1. Final approval of the accompanying site development plan for subdivision (15EPC-40018) by the Development Review Board (DRB) is required and shall occur within the time period specified in Zoning Code §14-16-4-1(C)(16)(b), Amendment Procedure.

***FINDINGS -15EPC-40041, September 10, 2015-As Built Site Development Plan for Building Permit***

1. The subject request is for an as built site development plan for building permit for Tract 2A, Westgate Mobile Home Park, an approximately 14.5 acre site that contains a portion of the existing Sage Mobile Home Park (the "subject site"). The subject site is located adjacent west of 98<sup>th</sup> St. SW, between Tower Rd. and DeVargas/Sage Rd.

2. The subject request is accompanied by a sector development plan map amendment (zone change) request to the Tower/Unser Sector Development Plan (TUSDP) (15EPC-40039). The sector development plan map amendment request is justified pursuant to R270-1980.
3. The Albuquerque/Bernalillo County Comprehensive Plan, the Westside Strategic Plan, the Southwest Area Plan, the TUSDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The proposal furthers and partially furthers the following, relevant Land Use Policies in the Comprehensive Plan:
  - A. Policy II.B.5a-full range of urban land uses. By allowing approximately 2/3 of the mobile home park to remain, the proposal would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family residential uses (single-family homes).
  - B. Policy II.B.5o-redevelopment of older neighborhoods. Some improvements to the subject site would be required that would generally help rehabilitate this older area, though the subject site is only part of the neighborhood and Tract 2A is only part of the mobile home development.
5. The proposal furthers the Housing Goal and the following, applicable Housing Policy:
  - A. Goal: Approximately 2/3 of the mobile home park would remain, thereby preventing displacement of low-income residents, maintaining affordable housing supply, and improving the quality of existing housing by bringing the dwellings up to Zone Code standards.
  - B. Policy II.D.5a- II.D.5a-supply of affordable housing. The proposal would preserve the affordable housing that the mobile home park provides, and ensure that such housing (likely to be a more reasonable proportion of income for residents than other housing options) remains.
6. The proposal generally furthers the Community Identity & Urban Design Goal. Since the mobile home park has existed since the 1970s, it has become part of what defines the Westgate community. Allowing it to remain would ensure that variety and maximum choice in housing and lifestyles would continue to exist in this area, which is dominated by subdivisions of single-family homes. Site improvements would contribute to a pleasing built environment.
7. The proposal furthers the following, applicable West Side Strategic Plan policies:
  - A. WSSP Policy 1.1. The subject site is located in the Bridge/Westgate community and is not within the boundaries of a designated Activity Center. The existing mobile home park, at approximately 5 DU/ac, is the type of lower-density residential development referred to above that is intended to be located outside designated Centers.
  - B. WSSP Policy 3.46. Though the proposal would not change existing residential density, it would be consistent with the densities referred to in the TUSDP. The mobile home development, at

---

approximately 6 DU/ac, is located outside of a designated activity center and not at a major intersection where non-residential zoning is intended.

8. The Planning Department is required to consider school capacity because the proposal is for a site development plan for a residential development. The proposal would not result in any new households because the development already exists. Rather, it would allow existing households to remain and therefore would not affect school capacity. APS comments that the proposal will have no adverse impacts. The proposal does not affect WSSP Policy 2.5-school capacity/residential development.
9. The proposal generally furthers Goal 1 and Goal 5 of the Southwest Area Plan:
  - A. Goal 1. The proposal would facilitate part of the mobile park's continued existence and allow a lower density residential use outside the designated activity centers. Activity centers are intended to be pedestrian-friendly, accessible but not dominated by vehicles, and contain a mixture of uses and housing opportunities different from those in the interior of neighborhoods (i.e.- different than the typical single-family residential subdivision).
  - B. Goal 5. The proposal would result in some of the City's lower-income residents being able to remain in their homes, which have access to two bus stops and bicycle lanes, and being able to continue to support the Transit system. Two transit lines serve the subject site. There is also a bike lane on 98<sup>th</sup> St.
10. The TUSDP is divided in to six sections, which discuss boundaries, ownership information, utilities, justification for zone categories, additional requirements (ex. design overlay zone) and appendices. There are eight Major Policy Recommendations (see Appendix C). Of these, Staff finds that none are relevant to the proposal.
11. Conditions of approval are needed to clarify the site development plan. Since the associated request for SU-1 zoning (15EPC-40039) is site plan dependent, accuracy is important.
12. The affected neighborhood organizations are the Route 66 West Neighborhood Association (NA), the South Valley Coalition of NAs, the South West Alliance of Neighbors (SWAN), and the Westside Coalition of NAs, which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required. Staff received a phone call from a resident who had questions about the request, zoning and the process. Staff has not received any additional calls or written comments as of this writing, and is not aware of any opposition to the request.

***RECOMMENDATION - 15EPC-40041, September 10, 2015***

**That the EPC forward a recommendation of APPROVAL of 15EPC-40041, a Site Development Plan for Building Permit for Tract 2A, Westgate Mobile Home Park, zoned R-T Residential zone, an approximately 14.5 acre site that contains a portion of the existing Sage Mobile Home Park,**



---

located adjacent west of 98<sup>th</sup> St. SW, between Tower Rd. and DeVargas/Sage Rd., to the City Council based on the preceding Findings and subject to the following Conditions of Approval.

***CONDITIONS OF APPROVAL -15EPC-40041, September 10, 2015- As Built Site Development Plan for Building Permit***

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the Staff planner to ensure that all conditions of approval are met.
3. Main Sheet- substance:
  - A. Add a brief narrative to B. Proposed Development, to explain the scope of work.
  - B. State the parking requirement for a mobile home park (add to Note 2c).
  - C. Add a note to address refuse service.
  - D. Indicate the location of any signage and describe the signage (new note under 2).
  - E. Show locations of any lighting.
4. Main Sheet- clarification:
  - A. Add a note to explain that the Site Development Plan for Building Permit is an “as-built” based on the May 2015 survey.
  - B. Label the Grading & Drainage Plan as “existing”.
  - C. Label the existing perimeter wall along 98<sup>th</sup> St.
5. Landscaping Plan:
  - A. Clearly distinguish which trees are existing and which trees are proposed.
  - B. Trees not used shall be removed from the palette.
  - C. Juniper shall be replaced or labeled “female only” (Pollen Ordinance).
  - D. Place landscaping items on the landscaping sheet, and irrigation and planting details on another landscape sheet (sheet LS2).

6. Conditions from PNM:

- A. Two existing overhead 115kV electric transmission lines bisect the subject property and one existing distribution line parallels the northern boundary. The applicant is responsible to abide by any conditions or terms of the transmission rights-of-way and distribution easements.
  - B. Any increase in the existing grade on the property near or within the transmission rights-of-way or distribution easement, including the pond areas, must be reviewed by PNM in order to ensure that adequate safety clearances are maintained.
  - C. Fences shall be grounded by applicant on the existing chain-link fence within proximity of the transmission line to reduce the risk of nuisance shocks. Locations be to be determined by PNM.
  - D. PNM must have 24/7 access to its transmission line facilities within the transmission right-of-way and must have the ability to drive PNM vehicles within the entire transmission right-of-way.
- 

*Catalina Lehner*

**Catalina Lehner, AICP  
Senior Planner**

***Notice of Decision cc list***

cc: Cherise Quezada, 10304 Paso Fino Pl. SW, Abq., NM 87121  
Barbara Lucero, 757 98<sup>th</sup> St. SW, Sp. #6, Abq., NM 87121  
Rod Mahoney, 1838 Sadora Rd. SW, Abq., NM 87105  
Marcia Fernandez, 2401 Violet SW, Abq., NM 87105  
Johnny Pena, 6525 Sunset Gardens SW, Abq., NM 87121  
Jerry Gallegos, 417 65<sup>th</sup> St. SW, Abq., NM 87121  
Jerry Worrall, 1039 Pinatubo Pl. NW, Abq., NM 87120  
Harry Hendricksen, 10592 Rio Del Sole Ct., Abq., NM 87114

---

## CITY OF ALBUQUERQUE AGENCY COMMENTS

### PLANNING DEPARTMENT

Zoning Code Services- No comments received

Office of Neighborhood Coordination

Route 66 West NA, South Valley Coalition of NAs, South West Alliance of Neighbors (SWAN),  
Westside Coalition of NAs

Long Range Planning

This request may provide needed jobs and services to the SW Mesa and help to alleviate the jobs-to-housing imbalance of the area.

### CITY ENGINEER

Transportation Development

No objection to the request.

Hydrology Development

- Beyond 10' of a structure, all landscape beds to be depressed below grade. Within 10', runoff shall be directed away from the structure.
- All new development projects shall manage the runoff from precipitation which occurs during the 90<sup>th</sup> Percentile Storm Events, referred to as the "first flush." The Site Plan/Drainage Plan must indicate all areas and mechanisms intended to capture the first flush. For volume calculations, the 90<sup>th</sup> Percentile storm event is 0.44 inches. For Land Treatment D the initial abstraction is 0.1", therefore the first flush volume should be based on  $0.44" - 0.1" = 0.34"$  and only consider the impervious areas.
  - State how the first flush will be managed and supporting calculations
  - State the area of Land Treatment D on the plan
- The applicant may request a pre-design meeting with the Hydrology Section. First submit a Conceptual Grading and Drainage plan, and indicate on the DTIS sheet (**in large bold letters at the top**) that a pre-design conference is requested (DTIS sheet is the information sheet required for all Hydrology and Transportation submittals). The reviewer will contact the applicant to set up a meeting.
  - The engineer should research the Master Drainage Plan and/or adjacent sites – essentially practice due diligence prior to meeting. Conceptual Grading and Drainage plans should reference the master drainage plan or other sources that indicate the intended drainage for that area. The applicant should provide excerpts from the supporting documents and/or grading plans.
  - Final Drainage Reports should have an appendix with all supporting documentation
- When determining allowable discharge from a site
  - If a Master Drainage Report planned an allowable discharge for a site, determine if the basis for that discharge is still valid or if conditions have since changed.

- If discharging to the street, determine if the street has capacity. Also determine if the storm drain has capacity.
- If discharging to the back of inlets, determine if doing so will still provide capacity for the discharge from the street
- When determining inlet capacity using the orifice equation, the area for a single grate should be 3.84 sq. ft.

**New Mexico Department of Transportation (NMDOT)**

NMDOT has no comments.

**DEPARTMENT OF MUNICIPAL DEVELOPMENT**

**Transportation Planning**

- Per MRCOG's 2040 Long Range Roadway System Map, 98<sup>th</sup> St. is a Community Principal Arterial. Per MRCOG's 2040 Long Range Bikeway System Map, 98<sup>th</sup> St. contains existing bicycle lanes across the frontage of this property.

**Traffic Engineering Operations (Department of Municipal Development)**

- No comments received.

**Street Maintenance (Department of Municipal Development)**

- No comments received.

**RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:**

Conditions of approval shall include: none.

**WATER UTILITY AUTHORITY**

**Utility Services**

No adverse comments as property is currently being serviced for both water and sanitary sewer.

**ENVIRONMENTAL HEALTH DEPARTMENT- No comments received**

**Air Quality Division-** No comments received.

**Environmental Services Division-**No comments received.

**PARKS AND RECREATION**

**Planning and Design-** No adverse comments. Bike lanes are existing on 98<sup>th</sup> Street.

**Open Space Division-** OSD has reviewed and has no adverse comments.

**City Forester-** No comments received

**POLICE DEPARTMENT/Planning**

This project is in the Southwest Area Command. No Crime Prevention or CPTED comments concerning the proposed *Amendment To Zone Map or Site Development For Building Permit* request at this time.

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division-** Do not hinder any existing refuse collection service.

**FIRE DEPARTMENT/Planning-** No comments received.

**TRANSIT DEPARTMENT-** No comments received.

<b>Project # 1010551</b> <b>15EPC-40039 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)</b> <b>15EPC-40041 SITE DEVELOPMENT - BUILDING PERMIT</b> <b>FOR ALL OR PORTION OF TRACT(S) 2A, WESTGATE MOBILE HOME PARK ZONED TR LOCATED ON 98<sup>TH</sup> ST SW BETWEEN TOWER RD SW AND DEVARGAS SW CONTAINING APPROX 11 ACRES. (SU-1/C-2 FOR CONDITIONAL AND PERMISSIVE USES)</b>	Adjacent and nearby routes	Route #198, 98 <sup>th</sup> – Dennis Chavez route, pass the site on 98 <sup>th</sup> Street.
	Adjacent bus stops	There is an existing bus stop with a bus shelter adjacent to the property.
	Site plan requirements	None
	Large site TDM suggestions	None.
	Other information	None

## **COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY-** No comments received.

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed, no comment.

**ALBUQUERQUE PUBLIC SCHOOLS**

<b>Project #1010551</b> <b>15EPC-40039 AMNDT TO ZONE MAP (ESTB ZONING/ZONE CHG)</b> <b>15EPC-40041 SITE DEVELOPMENT-BUILDG PRMT</b>	<b>Westgate Mobile Home Park</b> , Tract 2A, is located on 98 <sup>th</sup> St SW between Tower Rd SW and Devargas SW. The owner of the above property requests a Zone Change from RT to SU-1/C-2 for conditional uses, as well as approval of a Site Development Plan for Building Permit to allow for an existing mobile home park. This will have no adverse impacts to the APS district.
---	--

**MID-REGION COUNCIL OF GOVERNMENTS**

MRMPO has no adverse comments. For informational purposes, 98<sup>th</sup> Street is functionally classified as an Existing Urban Principal Arterial between Dennis Chavez Boulevard and I-40.

**MIDDLE RIO GRANDE CONSERVANCY DISTRICT-** No comments received.



***PUBLIC SERVICE COMPANY OF NEW MEXICO***

1. Two existing overhead 115kV electric transmission lines bisect the subject property and one existing distribution line parallels the northern boundary. The applicant is responsible to abide by any conditions or terms of the transmission rights-of-way and distribution easements.
2. Any increase in the existing grade on the property near or within the transmission rights-of-way or distribution easement, including the pond areas, must be reviewed by PNM in order to ensure that adequate safety clearances are maintained.
3. Fences shall be grounded by applicant on the existing chain-link fence within proximity of the transmission line to reduce the risk of nuisance shocks. Locations be to be determined by PNM.
4. PNM must have 24/7 access to its transmission line facilities within the transmission right-of-way and must have the ability to drive PNM vehicles within the entire transmission right-of-way.
5. PNM requires additional coordination with the applicant as the project develops.



**Figure 1:** Looking SW at the subject site, from 98<sup>th</sup> St. near the transit shelter.

**Figure 2:** Looking NW, up 98<sup>th</sup> St., from near the entrance to the mobile home development.

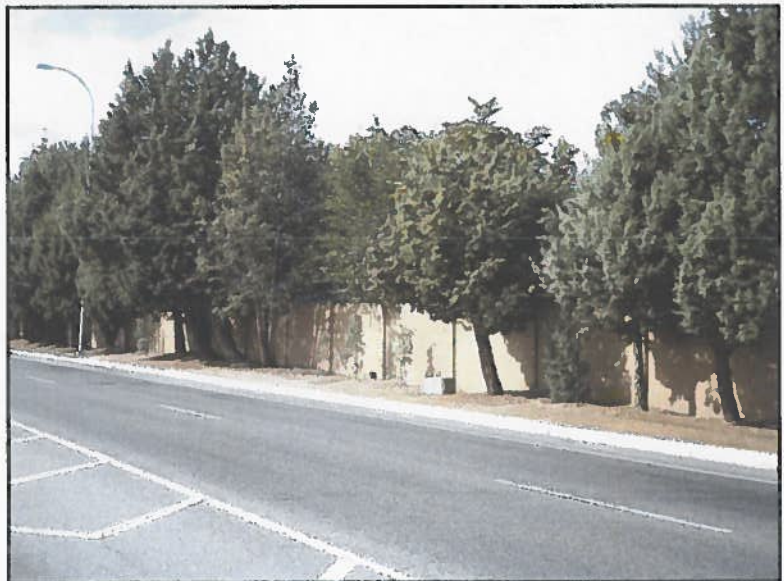


**Figure 3:** The entrance to the mobile home development, adjacent south to the subject site.



**Figure 4:** The transmission line easement that runs through the development.

**Figure 5:** Existing, mature street trees along 98<sup>th</sup> St., and smaller trees in the gaps.



**Figure 6:** Near the entrance to the mobile home development. The mobile homes are all this older style.

## HISTORY



CITY of ALBUQUERQUE  
EIGHTH COUNCIL

COUNCIL BILL NO. 8-365

ENACTMENT NO. 129-1989

SPONSORED BY: Steve D. Gallegos

RESOLUTION

1  
2 ADOPTING THE TOWER/UNSER SECTOR DEVELOPMENT PLAN AS A RANK 3  
3 SECTOR DEVELOPMENT PLAN, AND AMENDING THE ZONE MAP AS TO BASIC  
4 ZONES, ALL AS SPECIFIED IN THE TOWER/UNSER SECTOR DEVELOPMENT  
5 PLAN.

6 WHEREAS, the Council, the Governing Body of the City of  
7 Albuquerque, has the authority to adopt plans for physical  
8 development within the planning and platting jurisdiction of  
9 the City as authorized by New Mexico Statutes and by the City  
10 Charter as allowed under home rule provisions of the  
11 Constitution of the State of New Mexico; and

12 WHEREAS, the Council recognizes the need for sector  
13 development plans to guide the city, county, other agencies,  
14 property owners and other individuals to ensure orderly  
15 development and effective utilization of resources; and

16 WHEREAS, the Lower/Unser Sector Development Plan has been  
17 prepared with the assistance of neighborhood groups, property  
18 owners and the official planning bodies having jurisdiction  
19 over the plan area in accordance with the interests and needs  
20 of the area residents and property owners as expressed through  
21 public meetings; and

22 WHEREAS, the Planning Division has prepared a sector  
23 development plan to guide future development of the plan area  
24 by addressing requirements for public services, land use, and  
25 zoning; and

26 WHEREAS, on February 23, 1989, the Environmental Planning

Underscored Material - New  
Bracketed Material - Deletion



Underscored Material - New  
[Bracketed Material] - Deletion

1 Commission recommended that the zone map be amended consistent  
2 with the Tower/Unser Sector Development Plan, with findings  
3 which included that the plan required further editing; editing  
4 as to categories for rezoning has been accomplished by the plan  
5 hereby adopted; and

6 WHEREAS, the Environmental Planning Commission, in its  
7 advisory role on all matters related to planning, zoning and  
8 environmental protection approved and recommended the adoption  
9 of the Tower/Unser Sector Development Plan at a public hearing  
10 on February 23, 1989, finding the plan consistent with the  
11 provisions of the Albuquerque/Bernalillo County Comprehensive  
12 Plan, and other adopted City plans and policies; and

13 WHEREAS, in the portions of this plan now outside the  
14 municipal limits the proposed land use regulations will go into  
15 effect only upon annexation, which annexation will constitute a  
16 change of conditions sufficient to justify the altered land use  
17 controls which are specified; and

18 WHEREAS, this plan is a thoughtful, comprehensive response  
19 to the development issues of the plan area, and the plan and  
20 the nature of the new zoning justify a revision of zoning  
21 requirements even without changed neighborhood conditions.

22 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY  
23 OF ALBUQUERQUE:

24 Section 1. The Tower/Unser Sector Development Plan,  
25 attached hereto is hereby adopted as a Rank 3 Sector  
26 Development Plan. All development and improvement activities  
27 within the plan area shall be guided by this plan.

28 Section 2. The zone map of the Zoning Code, Article 7-14  
29 R.O. 1974, is hereby amended as specified by the attached  
30 Tower/Unser Sector Development Plan, specifically as shown in  
31 Figures 12 and 13 as to basic zones and figure 14 as to the DO  
32 Design Overlay Zone.

33 Section 3. The proposed transportation improvements as

Underscored Material - New  
[Bracketed Material] - Deletion

1 detailed on page 26 and shown on Figure 9 of the attached plan  
2 are hereby adopted.

3 Section 4. The policy recommendations in Appendix C of the  
4 attached plan are hereby recommended for consideration by all  
5 City Departments for timely inclusion in the Capital  
6 Implementation Program and, when appropriate in Special  
7 Assessment Districts.

8 PASSED AND ADOPTED THIS 7th DAY OF AUGUST, 1989.


9 BY A VOTE OF 8 FOR AND 0 <sup>1</sup> AGAINST.

10 AND 1 ABSTAIN.

11 Yes: 8  
Abstain: Baca

12  
13  
14   
15 Steve D. Gallegos, President  
16 City Council

17  
18 APPROVED THIS 31st DAY OF August, 1989.

19  
20  
21   
22 Ken Schultz, Mayor  
23 City of Albuquerque

24 ATTEST:

25   
26 Sharon Bandy  
27 City Clerk

28  
29  
30  
31  
32  
33 7485-1

# OFFICIAL NOTICE

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
Box 1293, Albuquerque, NM 87103

Date: October 19, 1973

J A O Investment  
2624 Candelaria, NE  
Albuquerque, New Mexico 87107

## NOTIFICATION OF DECISION ON A ZONING SPECIAL EXCEPTION

File ZA- 73-162  
Location: 801 98th St. SW

Your application for special exception under the Comprehensive Zoning Ordinance was considered at the Zoning Administrator's hearing on October 16, 1973. The following decision was made:

**Findings:** This A-1 zoned area, part of which is now being annexed, is already occupied by a trailer court; another part of the trailer court is zoned C-2 and C-3. Available fire hydrants are inadequate to protect the mobile homes. The requested Conditional Use to allow retention of the portion of the trailer court will not be injurious to the neighborhood or appropriate use of adjoining property.

**Decision:** The requested Conditional Use is approved, on the condition that a fire hydrant is installed where the trailer court's second most northerly east-west road intersects the east edge of the Public Service Company right of way.

If you wish to appeal this decision, you may do so by November 1, 1973 in the manner described below, as excerpted from the Zoning Ordinance of the City of Albuquerque.

1. **Jurisdiction.** Appeal of special exception decisions by the Zoning Administrator is to the Planning Commission. Appeal of decisions by the Planning Commission is to the City Commission.
2. **Application.** A decision by the Zoning Administrator or the Planning Commission is final unless appeal is initiated by application to the City on prescribed forms within fifteen days of the decision. A building permit dependent on a case shall not be issued until an appeal is decided, or the time for filing the appeal has expired without an appeal being filed.
3. **Acceptance.** The City Commission may decline to accept an appeal if it finds that all adopted City plans, policies, and ordinances have been properly followed. If it decides that there is a substantial question that all such City plans,

policies, and ordinances have not been properly followed or are not adequate, it shall accept the appeal. The Planning Commission shall accept all appeal cases sent to it.

4. **Fee.** A filing fee of \$25 must accompany each appeal application. When an application is withdrawn the application fee shall not be refunded.

5. **Hearing and Decision.** An appeal, if accepted, shall be heard within sixty days of its filing. Decision shall be following a public hearing. Public notice of an appeal shall be given by legal advertisement in a newspaper of general circulation in the City of Albuquerque at least fifteen days before the hearing. The Planning Department must give written notice of an appeal, together with a notice of the date, time, and place of hearing to the applicant, a representative of the opponents, if any are known, and the applicant.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of the Zoning Administrator is secured. Approval of this case does not constitute approval of plans for a building permit. If your application is approved, bring this letter when you come to City Hall, 400 Marquette NW, to secure any related building permit. You should take two copies of your plans to the Building & Inspection Division to initiate such a permit.

Approval of a conditional use or variance application is void after one year from date of approval if the rights and privileges granted thereby have not been executed or utilized.

Sincerely,

DAP:pe

BHB-02

  
Zoning Administrator

ZA

Letter of  
Advice

**PLANNING DEPARTMENT**  
**CITY OF ALBUQUERQUE**

Box 1293  
Zip Code: 87103  
Telephone 243-8861

Date: June 18, 1970  
File: AX-70-20  
Z-70-69

**Mr. J. W. Battis**  
**P.O. Box 11371**  
**City 87112**

The Planning Commission made this recommendation at its meeting of **June 15, 1970**

**BE IT RESOLVED THAT AX-70-20, and Z-70-69 as amended to request establishment of A-1 zoning for the portion of Tract 2 presently outside the City Limits, and a change of zone from R-1 to A-1 for that portion of the subject land lying between Tracts 2 & 3, all in Snow Vista Addition, be recommended to the City Commission for approval because the annexation conforms with the City's Adopted Annexation Policies, and the zoning will be compatible with the surrounding land use.**

Should you wish to appeal this decision, you may do so by  
in the manner described below:

(1) **Appeals** Appeals of any decision by the Planning Commission may be submitted in writing to the City Commission.

If a written protest is signed by the owners of twenty percent (20%) or more of the area of the lots or lands included in such proposed change, or of those immediately adjacent within one hundred (100) feet of the area proposed for change, disregarding public ways, such change to the Zone Map shall require the concurring vote of at least four (4) members of the City Commission.

(1) Written notice of appeal shall be filed with the Planning Director.

(2) Public notice of any appeal shall be given by legal advertisement in the manner prescribed for a change to the text of this ordinance. The Planning Director shall give written notice of any appeal together with notice of hearing date to the applicant, a representative of opponents, if any, and the appellant. The appeal shall be presented to the City Commission within three (3) months after the date of filing. Once the appeal is presented to the City Commission any request for delay in hearing the appeal shall be acted upon at a regular City Commission meeting.

If the application has been recommended for approval, it will be heard by the City Commission after proper advertisement, Monday, **July 13, 1970** at City Hall, 400 Marquette, N.W.

GLS:now

Yours sincerely,

cc: **Sandia Savings & Loan Assoc.**  
**P.O. Box 587, City 87103**

**RUBEN D. RAMIREZ**  
Planning Director

By **George L. Carruthers, Chief**  
**Current Planning Division**

**Letter of  
Advice**

## **ZONING**

**For specifics of the SU-1 zone, please refer to Zoning Code §14-16-2-22.**

**For the C-2 zone, please refer to Zoning Code §14-16-2-17.**





## APPLICATION INFORMATION



Supplemental Form (SF)

<b>SUBDIVISION</b>	<b>S</b>	<b>Z</b>	<b>ZONING &amp; PLANNING</b>
Major subdivision action			Annexation
Minor subdivision action			
Vacation	V	<b>XX</b>	Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
Variance (Non-Zoning)			Adoption of Rank 2 or 3 Plan or similar
			Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
<b>SITE DEVELOPMENT PLAN</b>	<b>P</b>		
for Subdivision			
<b>XX</b> for Building Permit Existing			
Administrative Amendment (AA)			
Administrative Approval (DRT, URT, etc.)			
IP Master Development Plan	D		Street Name Change (Local & Collector)
Cert. of Appropriateness (LUCC)	L	<b>A</b>	<b>APPEAL / PROTEST of...</b>
<b>STORM DRAINAGE (Form D)</b>			Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other
Storm Drainage Cost Allocation Plan			

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102.  
Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION: **J. Matt Myers, Esq.**

Professional/Agent (if any): **Myers, McCreedy & Myers, P.C.** PHONE: **505-247-9080**

ADDRESS: **1401 Central Avenue, NW** FAX: **505-247-9109**

CITY: **Albuquerque** STATE **NM** ZIP **87104** E-MAIL: **jmyers@moplaw.com**

APPLICANT: **Deemer Properties NM, LLC** PHONE: **408-842-1700**

ADDRESS: **2455 Roop Road** FAX: \_\_\_\_\_

CITY: **Gilroy** STATE **CA** ZIP **95020** E-MAIL: **dmr2455@outlook.com**

Proprietary interest in site: **Owner** List all owners: \_\_\_\_\_

DESCRIPTION OF REQUEST: **Zone change from RT to SU-1 for C-2 Conditional and permissive uses and approval of existing ALTA As-Built Survey as the site plan**

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes ☒ No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. **Tract 2A** Block: \_\_\_\_\_ Unit: \_\_\_\_\_

Subdiv/Addn/TBKA: **Westgate Mobile Home Park**

Existing Zoning: **RT** Proposed zoning: **SU-1/C-2 for conditional and permissive uses** MRGCD Map No. \_\_\_\_\_

Zone Atlas page(s): **L-9** UPC Code: **100905607904730103**

**CASE HISTORY:**

List any current or prior case number that may be relevant to your application (Proj., App., DRB, AX, Z, V, S, etc.): \_\_\_\_\_

**ZA-73-162, Z-73-162, Z-97-38 and SD-87-11**

**CASE INFORMATION:**

Within city limits? ☒ Yes Within 1000FT of a landfill? ☐ No

No. of existing lots: **95** No. of proposed lots: **95** Total site area (acres): **11 acres approximately**

LOCATION OF PROPERTY BY STREETS: On or Near: **98th Street, SW**

Between: **Tower Road** and **DeVargas**

Check if project was previously reviewed by: Sketch Plat/Plan ☐ or Pre-application Review Team(PRT) ☒ Review Date: **June 9, 2015**

SIGNATURE \_\_\_\_\_ DATE **July 2015**

(Print Name) **J Matt Myers**

Applicant ☐ Agent ☐

**FOR OFFICIAL USE ONLY**

- ☐ INTERNAL ROUTING
- ☒ All checklists are complete
- ☒ All fees have been collected
- ☒ All case #s are assigned
- ☒ AGIS copy has been sent
- ☒ Case history #s are listed
- ☐ Site is within 1000ft of a landfill
- ☐ F.H.D.P. density bonus
- ☐ F.H.D.P. fee rebate

Application case numbers

**15EPC-40039**  
**15EPC-40041**

Action

**A2M**  
**SBP**  
**ADD**  
**CMF**

S.F.

Fees

**\$ 795.00**  
**\$ 385.00**  
**\$ 75.00**  
**\$ 30.00**

Total

**\$ 1305.00**

Hearing date **September 10, 2015**

**7-30-15**  
Staff signature & Date

Project # **1010551**

Revised: 11/2014

# FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS

## ☐ ANNEXATION (EPC08)

- Application for zone map amendment including those submittal requirements (see below).
  - *Annexation and establishment of zoning must be applied for simultaneously.*
  - Petition for Annexation Form and necessary attachments
  - Zone Atlas map with the entire property(ies) clearly outlined and indicated
  - NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
  - Letter describing, explaining, and justifying the request
  - NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
  - Letter of authorization from the property owner if application is submitted by an agent
  - Board of County Commissioners (BCC) Notice of Decision
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
  - Sign Posting Agreement form
  - Traffic Impact Study (TIS) form
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

## ☐ SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1) (Unadvertised)

## ☐ SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14) (Public Hearing)

## ☐ SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2) (Unadvertised)

- Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
  - Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
  - Zone Atlas map with the entire plan area clearly outlined and indicated
  - Letter describing, explaining, and justifying the request
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
  - (for EPC public hearing only)
  - Traffic Impact Study (TIS) form (for EPC public hearing only)
  - Fee for EPC final approval only (see schedule)
  - List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

## ☐ AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)

- Zone Atlas map with the entire property clearly outlined and indicated
  - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
  - Letter of authorization from the property owner if application is submitted by an agent
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
  - Sign Posting Agreement form
  - Traffic Impact Study (TIS) form
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

## ☐ AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)

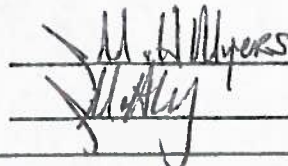
## ☐ AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)

- Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
  - Plan to be amended with materials to be changed noted and marked
  - Zone Atlas map with the entire plan/amendment area clearly outlined
  - Letter of authorization from the property owner if application is submitted by an agent (map change only)
  - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
  - Letter briefly describing, explaining, and justifying the request
  - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
  - (for sector plans only)
  - Traffic Impact Study (TIS) form
  - Sign Posting Agreement
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

## ☐ AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)

- Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
  - Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
  - Letter describing, explaining, and justifying the request
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.



Applicant name (print)

Applicant signature & Date

Revised: June 2011

- ☒ Checklists complete
- ☒ Fees collected
- ☒ Case #s assigned
- ☒ Related #s listed

Application case numbers

5EPC 40035



7-30-15  
Staff signature & Date

Project # 1010551





# FORM P(1): SITE DEVELOPMENT PLAN REVIEW – E.P.C. PUBLIC HEARING

- ☐ **SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC16)** Maximum Size: 24" x 36"
- ☐ **IP MASTER DEVELOPMENT PLAN (EPC11)**
- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
  - Scaled Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.
  - For IP master development plans, include general building and parking locations, and design requirements for buildings, landscaping, lighting, and signage.
  - Site plans and related drawings reduced to 8.5" x 11" format (1 copy)
  - Zone Atlas map with the entire property(ies) clearly outlined
  - Letter briefly describing, explaining, and justifying the request
  - Letter of authorization from the property owner if application is submitted by an agent
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Completed Site Plan for Subdivision and/or Building Permit Checklist
  - Sign Posting Agreement
  - Traffic Impact Study (TIS) form with required signature
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

- ☒ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (EPC15)** Maximum Size: 24" x 36"
- ☐ **SITE DEVELOPMENT PLAN and/or WAIVER OF STANDARDS FOR WIRELESS TELECOM FACILITY (WTF) (EPC17)**

- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Site Plan and related drawings (folded to fit into an 8.5" by 14" pocket) 20 copies.
- Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. (Folded to fit into an 8.5" by 14" pocket.) 20 copies
- Site Plans and related drawings reduced to 8.5" x 11" format (1 copy)
- Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Completed Site Plan for Subdivision and/or Building Permit Checklist
- Traffic Impact Study (TIS) form with required signature
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

NOTE: For wireless telecom facilities, requests for waivers of requirements, the following materials are required in addition to those listed above for application submittal:

- Collocation evidence as described in Zoning Code §14-16-3-17(A)(6)
  - Notarized statement declaring number of antennas accommodated. Refer to §14-16-3-17(A)(13)(d)(2)
  - Letter of intent regarding shared use. Refer to §14-16-3-17(A)(13)(e)
  - Affidavit explaining factual basis of engineering requirements. Refer to §14-16-3-17(A)(13)(d)(3)
  - Distance to nearest existing free standing tower and its owner's name if the proposed facility is also a free standing tower §14-16-3-17(A)(17)
  - Registered engineer or architect's stamp on the Site Development Plans
  - Office of Community & Neighborhood Coordination inquiry response as above based on ¼ mile radius
- EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

- ☐ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (EPC01)** Maximum Size: 24" x 36"
- ☐ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (EPC02)**

- Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 20 copies
  - DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) 20 copies
  - DRB signed Site Plan for Subdivision, if applicable (required when amending SDP for Building Permit) 20 copies
  - Site plans and related drawings reduced to 8.5" x 11" format (1 copy)
  - Zone Atlas map with the entire property(ies) clearly outlined
  - Letter briefly describing, explaining, and justifying the request
  - Letter of authorization from the property owner if application is submitted by an agent
  - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
  - Sign Posting Agreement
  - Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
  - Traffic Impact Study (TIS) form with required signature
  - Fee (see schedule)
  - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Applicant name (print) \_\_\_\_\_  
Applicant signature / date \_\_\_\_\_



Form revised November 2010

- ☒ Checklists complete
- ☒ Fees collected
- ☒ Case #s assigned
- ☒ Related #s listed

Application case numbers  
15EPC-40041

Planner signature / date  
7-30-15  
Project #: 1610551



**DEEMER PROPERTIES NM, LLC**  
**2455 Koop Road**  
**Gilroy, California 95020**  
**408-842-1700**

July 29, 2015

**Hand Delivered**  
**City of Albuquerque**  
**Planning Department**  
**600 Second Street, NW**  
**Suite 200**  
**Albuquerque, New Mexico 87103**

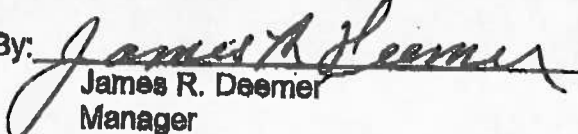
**Re: 757 98<sup>TH</sup> Street, SW**  
**Tract 2A Westgate Mobile Home Park**

**Ladies and Gentlemen:**

The undersigned is the owner of the above referenced property, the subject of a zone change from RT to SU-1 for C-2 conditional and permissive uses, and approval of a site plan for the existing mobile home park. Myers, McCready & Myers, P.C. (J. Matt Myers) is hereby authorized to act as our agent in our application to the Environmental Planning Commission and is further authorized to remain as our agent through any appeals process.

**DEEMER PROPERTIES NM, LLC**

By:

  
**James R. Deemer**  
**Manager**

H:\Deemer, Jim\Zone change\authorization\lr.doc

# CITY OF ALBUQUERQUE

## TRAFFIC IMPACT STUDY (TIS) FORM

APPLICANT: Deemer Properties NM LLC DATE OF REQUEST: 7/29/15 ZONE ATLAS PAGE(S): L-9

CURRENT: ZONING RT LEGAL DESCRIPTION: LOT OR TRACT # 2A BLOCK #  
PARCEL SIZE (AC/SQ. FT.) 11 acres SUBDIVISION NAME Westgate Mobile Home Park

### REQUESTED CITY ACTION(S):

ANNEXATION ☐

ZONE CHANGE ☐ : From RT To SU-1/C-2

SECTOR, AREA, FAC, COMP PLAN ☐

AMENDMENT (Map/Text) ☐

### SITE DEVELOPMENT PLAN:

SUBDIVISION\* ☐ AMENDMENT ☐

BUILDING PERMIT ☐ ACCESS PERMIT ☐

BUILDING PURPOSES ☐ OTHER ☒

\*includes platting actions

Approval of ALTA As-Built Survey as site plan

### PROPOSED DEVELOPMENT:

NO CONSTRUCTION/DEVELOPMENT ☒

NEW CONSTRUCTION ☐

EXPANSION OF EXISTING DEVELOPMENT ☐

### GENERAL DESCRIPTION OF ACTION:

# OF UNITS: 94 existing mobile home spaces

BUILDING SIZE: \_\_\_\_\_ (sq. ft.)

Note: changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

APPLICANT OR REPRESENTATIVE J. Matt Myers DATE July 29, 2015

(To be signed upon completion of processing by the Traffic Engineer)

Planning Department, Development & Building Services Division, Transportation Development Section -  
2<sup>nd</sup> Floor West 600 2<sup>nd</sup> St. NW, Plaza del Sol Building, City, 87102, phone 924-3994

TRAFFIC IMPACT STUDY (TIS) REQUIRED: YES ☐ NO ☒ BORDERLINE ☐

THRESHOLDS MET? YES ☐ NO ☒ MITIGATING REASONS FOR NOT REQUIRING TIS: PREVIOUSLY STUDIED: ☐

Notes:

If a TIS is required, a scoping meeting (as outlined in the development process manual) must be held to define the level of analysis needed and the parameters of the study. Any subsequent changes to the development proposal identified above may require an update or new TIS.

TRAFFIC ENGINEER

DATE

7-29-15

Required TIS must be completed prior to applying to the EPC and/or the DRB. Arrangements must be made prior to submittal if a variance to this procedure is requested and noted on this form, otherwise the application may not be accepted or deferred if the arrangements are not complied with.

TIS -SUBMITTED / /  
-FINALIZED / /

TRAFFIC ENGINEER

DATE

Revised January 20, 2011

**AMENDED AND RESTATED REASONS FOR REQUEST**

**City Project No. 1010551/Deemer Properties/Westgate MHP**

**August 28, 2015**

**THIS AMENDED AND RESTATED REASONS FOR REQUEST IS BEING MADE IN RESPONSE TO COMMENTS RECEIVED BY CITY STAFF. THIS AMENDED AND RESTATED REASONS FOR REQUEST IS INTENDED TO TAKE THE PLACE OF THE PREVIOUS REASONS FOR REQUEST FILED ON JULY 30, 2015.**

**A FEW POINTS TO BEGIN:**

1) We have decided to amend the requested zoning. Therefore, we will be requesting that Tract 2A be zoned SU-1 for Mobile Home Development, as opposed to SU-1/C-2 for Permissive and Conditional Uses. We have done this to make it very clear that the intention of the Applicant is to keep the MH Park intact and functioning. The Applicant wants to make it very clear that he intends to keep the MH Park in place, thereby providing affordable housing to the City's residents, thereby avoiding a situation where the MH Park residents are kicked out of their homes;

2) The MH Park has been in operation since the 1970'

s. The Applicant hopes to continue to operate the MH Park for another 50 years; and

3) This zone change is necessary because the portion of the MH Park that is located on Tract 2A is considered a non-conforming use and the City has determined that the non-conforming use has to come into compliance by August, 2026. The Applicant has attempted to refinance the MH Park and cannot refinance the MH Park because of the non-conforming status of Tract 2A. Accordingly, the Applicant will lose the MH Park to foreclosure if he is unable to rezone Tract 2A. Of course, that is not sole reason for the Request. The main reason for the Request is to allow the residents of the MH Park to continue to have homes, specifically affordable homes.

**IN ADDITION TO THE AFOREMENTIONED CLARIFICATIONS, THIS AMENDED AND RESTATED REASONS FOR REQUEST IS BEING SUBMITTED IN ORDER TO BETTER ADDRESS RESOLUTION 270-1980 AND TO REFLECT THE FACT THAT THE APPLICANT IS NOW REQUESTING SU-1 FOR MOBILE HOME DEVELOPMENT**

This request is being made by Myers, McCready & Myers (J. Matt Myers), as the agent for Deemer Properties NM, LLC ("Applicant"). The Applicant is the owner of the Westgate Mobile Home Park (the "MH Park"). The MH Park is comprised of three separate tracts. This application only concerns Tract 2A of the Westgate Mobile Home Subdivision ("Tract 2A"), whose address is 757 98<sup>th</sup> Street.

The Applicant hereby requests that Tract 2A be rezoned from R-T to SU-1 for Mobile Home Development (the "Request"). In order to better understand the Request it is important to understand the history of the MH Park and its zoning history.

The MH Park has been in existence since the early 1970s. The Applicant purchased the MH Park approximately 10 years ago. The total acreage of the MH Park is approximately 24 acres; however, two of the three tracts of land that comprise the MH Park are already zoned C-2, with a conditional use to allow a mobile home park. Accordingly, the Request is only in regards to Tract 2A, as it is the only tract of the three tracts that doesn't allow a mobile home park. Along those lines, even if the Request is denied, there will continue to be a mobile home park on the other two tracts of land, which really supports granting this Request, as it would be a real shame if 2/3 of the residents of the MH Park had to relocate, while 1/3 were able to stay.

It should be pointed out that the mobile homes are actually owned by the residents. The Applicant only rents out the space where the residents "park" their mobile homes. That is an important fact because it is very expensive to move a mobile home, up to \$4,000.00, and that is a fee that the majority of the residents could simply not afford. Furthermore, most of the other mobile home parks in the City will not accept mobile homes that are greater than 10 years old. Unfortunately, the majority of the mobile homes in the MH Park are greater than 10 years old; therefore, even if the residents could afford to move the mobile homes, they likely would not be able to find a mobile home park that would accept them.

Tract 2A is approximately 11 acres and contains approximately 95 of the 153 mobile homes sites that make up the entire MH Park. The other two parcels of land that comprise the MH Park, Tract 1 and Tract 3, Snow Vista Addition, are not a part of this application as those two tracts are already zoned C-2, with a conditional use to allow a mobile home park.

Unfortunately for the Applicant, as well as the occupants of the 95 mobile homes that are located on Tract 2A, the R-T zone does not allow mobile homes as a permissive use and therefore the mobile homes that are located on Tract 2A are considered non-conforming and must come into compliance by August, 2026. The result of that non-conforming zoning is that approximately 2/3 of the existing MH Park will have to be demolished by August, 2026, which will result in approximately 100 families losing their homes. If the Applicant is unable to rezone Tract 2A, the amount of affordable housing in Albuquerque will be reduced.

The other catalyst for this application is the fact that the Applicant was in the process of refinancing the MH Park when it discovered that Tract 2A's zoning was non-conforming and would have to come into conformance by August, 2026. As a result of that discovery, the Applicant's lender informed him that it would not be able to refinance that MH Park, which will now result in Mr. Deemer losing the MH Park to foreclosure. At this point, Mr. Deemer is attempting to work with his lender but the lender has already notified Mr. Deemer that it will be moving forward with foreclosure unless he is able to refinance the MH Park. In order to refinance, he has to rezone the Property. We understand that Mr. Deemer's financial crisis cannot be the sole justification for this Request; however, we believe the pending foreclosure, coupled with the other justifications contained herein, should satisfy the EPC that this Request should be granted.

As set out herein, the Request is justified pursuant to Resolution 270-1980 and the Request clearly facilitates realization of the goals and policies contained in the applicable planning documents, including the Albuquerque/Bernalillo Comprehensive Plan (the "Comp. Plan"), the Tower/Unser Sector Development Plan (the "Unser SDP"), the West Side Strategic Plan ("WSSP") and the Southwest Area Plan (the "SW Area Plan").

As part of this application, the Applicant is submitting a landscaping plan, which will greatly improve the Property's aesthetics, resulting in a more appealing environment for both the residents of the MH Park as well as the surrounding community and neighbors. As shown on the landscaping plan, the Applicant will spend tens of thousands of dollars to plant additional trees on the Property and to plant native grasses in the currently dirt filled drainage ponds.

The Request is unique in that the requested zoning is to allow a use that is already in existence. The Applicant decided to seek SU-1 for Mobile Home Development for several reasons: 1) it will allow the MH Park to continue to exist, and will allow Mr. Deemer to hopefully refinance the MH Park so that he doesn't have to displace any of the residents of the MH Park; and 2) it will allow the residents of the MH Park to feel comfortable in the fact that they will not be forced to find alternative affordable housing in the City, especially since affordable housing is in short supply.

What follows is a justification of the Request as seen through the requirements contained in Resolution 270-1980. Resolution 270-1980 is in italics and the response to each of the requirements is in bold:

*A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.*

**The Request is consistent with the health, safety, morals and general welfare of the City. If granted, the Request will ensure that there continues to be affordable housing in this area of the City. While it is true that there is a surplus of housing in this area of the City; unfortunately, the majority of the housing is in the form of single family detached homes. Single family detached homes are expensive as compared to the cost of renting a space for a mobile home.**

**It is important to note that the Albuquerque City Council actually passed an ordinance, which was codified as Sec. 14-16-3-21 of the City's Zoning Code, which made it very clear that the City Council urged preservation of mobile home parks, as mobile home parks provide safe, affordable housing for the City's residents. Sec. 14-16-3-21(B) of the Zoning Code, Mobile Home Resident Notification, states:**

**Findings and public policy: The City Council finds that one of the Albuquerque/Bernalillo County Comprehensive Plan's goals is to increase the City's supply of affordable housing, ameliorate the problems of homelessness and displacement, and ensure that residents have safe, decent and affordably priced housing in stable neighborhoods. The Council further finds that mobile home developments play a vital role in meeting the City's affordable housing needs through the furnishing of low cost,**





environment which perpetuates the tradition of identifiable, but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment.”

Allowing the MH Park to remain in place furthers the Goal for the Established Urban areas by providing a maximum choice in housing, specifically, affordable housing. The fact that the Request includes a landscaping plan will result in the MH Park becoming a more pleasing built environment.

Sec. II(B)(5) Policy k of the Comp. Plan states: “Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.”

This policy will be furthered by the Request, as the landscaping surrounding the Property will be improved, thereby reducing the harmful effects of traffic on the residents of the MH Park. Additionally, there is a wall that runs the entire length of the MH Park, running parallel to 98<sup>th</sup> Street. The wall, coupled with the trees, will minimize the harmful effects of 98<sup>th</sup> Street. Additionally, as shown on the landscaping plan submitted as a part of the site development plan, the Applicant will be seeding large areas of the Property with native grasses, which should draw the residents focus away from 98<sup>th</sup> Street.

Sec. II(B)(5) Policy Policy m states that “Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.”

The Request, if granted, will greatly improve the visual environment for the residents of the MH Park. As shown on the landscaping plan, the Applicant will seed the large drainage ponds that are located on the Property, with native grasses. The ponds are currently dirt, so if the Request is granted, it will result in a much nicer environment for the residents. In addition to the seeding of the drainage ponds, the Applicant will plant many new trees.

Sec. II(B)(5) Policy o states “Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.”

As stated in the introduction section of this justification, the MH Park has been in existence since the early 1970’s. In fact, the MH Park has been around longer than almost all of the adjacent single family home developments. If the Request is granted it will result in a rehabilitation of the MH Park which has been an integral part of this area of the City for nearly 50 years. If the Request is granted, the Applicant will spend tens of thousands of dollars to improve appearance of the MH Park for both the residents and the adjacent community members.

Sec. II(B)(5) Policy p states “Cost-effective redevelopment techniques shall be developed and utilized.”

If the Request is granted, the private developer will spend thousands of dollars improving the visual environment along 98<sup>th</sup> Street and also the visual environment for the residents of the MH Park. The City will not have to spend any money and a private developer will beautify the west side of 98<sup>th</sup> Street.

Sec. II(D)(5) of the Comp. Plan, regarding Housing, states that the Goal is “to increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing.”

The Request, if granted, will definitely further this goal. It is clear that the aforementioned language is also found in Sec. 14-16-3-21(B) of the Zoning Code. The City Council has made it very clear that mobile home parks play an integral role in providing affordable housing to the City’s residents. The MH Park provides an opportunity for those citizens who might not otherwise be able to afford to have a roof over their head, which is a very important function.

Sec. II(D)(5) of the Comp. Plan, Policy a, states: “The supply of affordable housing shall be preserved and increased and the opportunity to obtain standard housing for a reasonable proportion of income assured.”

If the Request is granted it will further the goal of providing affordable housing for a reasonable proportion of income.

#### THE TOWER/UNSER SECTOR DEVELOPMENT PLAN:

The Property is located within the boundaries of the Unser SDP. The Unser SDP rezoned the Property from RA-2 to R-T based on the premise that it would allow for a buffer between the more intense C-2 zone and the adjacent single family residential housing. That is accomplished by granting the Request.

The goal of the zone change is to allow the MH Park to remain, thereby continuing to provide affordable housing to the West Side’s residents.

Section IV(A)(2) of the Unser SDP states that the justification for the current zoning of the Property, R-T, was because it would “[provide] buffering from more intense uses.”

If granted, the Request will provide buffering from more intense uses, as the Applicant plans to keep the MH Park in its entirety.

One of the major goals of the Unser SDP is to provide for pockets in the City where residents can live, shop and play without having to cross over the river to the City’s East Side. If the Request is granted it will ensure that the residents of the MH Park will continue to be able to walk to the commercial development that is located on the SE corner of 98<sup>th</sup> Street and Sage. The Request will allow the residents of the MH Park, who may not be able to afford a vehicle, to continue to be able to access to stores that sell food, clothing and other retail items,

by foot. It is unusual for residents of the West Side to be able to walk to buy their groceries; however, the residents of the MH Park have that luxury, which, again, is especially important as many of the MH Park's residents may not be able to afford a vehicle.

#### **SOUTHWEST AREA PLAN:**

The Property falls within the SW Area Plan. Sec. 3 of the SW Area Plan addresses Land Uses. The SW Area Plan designates 5 residential areas. The Property is located in Residential Area #5, which area "contains the highest proposed densities for the plan area. Up to 9 dwelling units per net acre could be accommodated without significant adverse impact on the environment or the existing neighborhoods." The approximate density of the entire MH Park is 6.29 dwelling units per acre, which is well below 9 du/acre. Taking into consideration only Tract 2A, the density per acre is approximately 8.6 dwelling units per acre, which is closer to the upper reaches recommended by the SW Area Plan; however, it is still within the recommended density.

In addition to meeting the density recommendations of the SW Area Plan, the Request furthers Policy 8 contained in Sec. 3 of the SW Area Plan, which policy states that "between higher and lower intensity land uses and in areas adjacent to arterials, there shall be land uses which act as transition to avoid adjacent incompatible land uses."

The Property is adjacent to a principal arterial, 98<sup>th</sup> Street, and the MH Park acts as a buffer between that arterial, and the other commercially zoned properties found at the intersection of 98<sup>th</sup> Street and Sage, and the less intense single family homes that are located to the west of the MH Park.

#### **WEST SIDE STRATEGIC PLAN:**

The Property is located within the boundaries of the Bridge/Westgate Community as defined in the WSSP and growth is encouraged in that Community. Policy 3.47 of the WSSP, when discussing the Bridge/Westgate Community, states that there should be established "5 dwelling units per acre minimums for most of the [Bridge/Westgate] Community." In this case, the Request will further that density recommendation.

On Page 15 of the WSSP are the stated "Plan Goals". The Request will further many of those goals, including:

#7) The planning effort must be broadly inclusive, sensitive to many ideas and cultures, and give the West Side a greater role in determining its own destiny and establishing its own vision of the future.

**The Request is really all about providing affordable housing to those members of society who might otherwise be without a home. Although some members of society frown upon mobile home parks, they are a necessary, and affordable, means of**

providing families with safe, comfortable living environments. If this Request is granted, it will inherently acknowledge that mobile home parks are an integral part of the City.

#10) The Plan should create a framework to build a community where its citizens can live, work, shop, play, and learn together while protecting the unique quality of life and natural and cultural resources for West Side residents.

The Request, if granted, will allow the MH Park to continue to operate, thereby preserving a unique community on the City's West Side. The MH Park allows residents to live close to the recently developed commercial center on 98<sup>th</sup> Street, located caddy-corner to the Property. The residents of the MH Park can walk to those commercial sites, thereby reducing the amount of traffic in this area of the City.

**BACK TO RESOLUTION 270-1980:**

*D. The applicant must demonstrate that the existing zoning is inappropriate because (1) there was an error when the existing zone map pattern was created or (2) changed neighborhood or community conditions justify the change, or (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City Master Plan, even though (1) or (2) above do not apply.*

Although it is only necessary to meet one of the aforementioned requirements, this Request satisfies two of the available criteria, as follows:

There have been changed neighborhood or community conditions that justify the Request, and it is also clear that a different use category is more advantageous to the community, as articulated in the Comp. Plan, the Unser SDP, the WSSP and the SW Area Plan, as follows:

The changed conditions in this area of the City is the preponderance of single family, detached homes. Unfortunately, that type of housing is very expensive as compared to renting a mobile home space. While there have been thousands of single family homes constructed on the West Side, there has been very little affordable housing, and because of that changed condition, it justifies rezoning Tract 2A to allow a mobile home park. It is our position that were the City to have adopted the Unser SDP at this time it would have zoned the Property consistent with the other portion of the MH Park, thereby allowing the entire MH Park to remain in perpetuity.

In addition to the changed neighborhood conditions, the Request is also more advantageous to the community, as set out in response to Sec. C above, wherein it is demonstrated that the Request furthers the goals of the applicable planning documents.



*E. A change of zone will not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.*

**The Request will not allow any uses which would be harmful to the adjacent property, the neighborhood or the community, as the only use allowed by the requested zoning will be the existing MH Park. The Request will allow Albuquerque residents continued access to very affordable housing. Additionally, the required landscaping plan will improve the as-built environment for the residents of the MH Park, as well as make the MH Park more appealing to adjacent property owners.**

*F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the City may be (1) denied due to lack of capital funds, or (2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.*

**The Request would not require any major or unprogrammed capital expenditures by the City, as the MH Park currently exists.**

*G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.*

**The cost of land or other economic considerations pertaining to the Applicant is not the determining factor for the zone change. The determining factor for the zone change is to continue to provide affordable housing to the residents in this area of the City and to avoid putting almost 2/3 of the residents of the MH Park out on the street. So, the main reason for the Request is not financial; however, the fact that Mr. Deemer will likely lose the MH Park if he is unable to rezone the Property is certainly a factor to be considered. Mr. Deemer put the majority of his retirement savings into the purchase of the MH Park, and if he is unable to rezone Tract 2A he will certainly lose the MH Park to foreclosure, and he and his wife will be in a very bad place financially. That is simply one factor to take into consideration, as is the fact that there will be almost 100 families who will be forced to find alternative housing, which is quite difficult in the current economic climate.**

*H. Location on a major street is not in itself sufficient justification for apartment, office, or commercial zoning.*

**The Request is not for apartment, office or commercial zoning.**

*I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only where (1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of*

*structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone.*

**Although the Request would result in a spot zone, it is still allowed because the Request will facilitate realization of the Comp. Plan, the SW Area Plan, the WSSP and the Unser SDP as set in Sec. C above. The “clearly facilitates realization” of test was specifically addressed in light of a recent ruling by the City’s Land Use Hearing Office in another case where the requested zoning resulted in a spot zone. Please see the justification set out in Sec. C above to demonstrate how the Request clearly facilitates realization of the Comp. Plan and the other applicable planning documents.**

*J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial will be approved only where (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan, and (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.*

**The Request would result in the area of land located along 98<sup>th</sup> Street to be zoned different than the adjacent properties; however, the Request clearly facilitates realization of the Comp. Plan, the SW Area Plan, the WSSP and the Unser SDP as set out in Sec. C above.**

### **CONCLUSION:**

For all of the reasons set out herein, the Applicant respectfully requests that the EPC grant its Request to rezone Tract 2A from R-T to SU-1 for Mobile Home Development. In conjunction with the Request, the Applicant intends to provide additional landscaping along the entire portion of the MH Park that fronts 98<sup>th</sup> Street. The Applicant also intends to plant native grasses in the existing drainage ponds located on the entire MH Park, not just on Tract 2A. If the Request is granted it will ensure that affordable housing continues to be available in all areas of the City. The City Council recognized the importance of mobile home parks and by granting this Request those residents of the City who cannot afford to live in a single family detached home can still find a comfortable, safe place to live on the City’s West Side.

MYERS, McCREADY & MYERS, P.C.

By: \_\_\_\_\_  
J. Matt Myers

Dated: August 28, 2015

# PRE-APPLICATION REVIEW TEAM (PRT) MEETING

PA# 15- 090

Date: 6.9.2015

Time: 2:15 PM

## 1. AGENCY REPRESENTATIVES PRESENT AT MEETING

Planning: ☒ Kym Dicome  
Transportation: ☐ Gary Sandoval  
Code Enforcement: ☒ Ben McIntosh  
Fire Marshall: ☐ Antonio Chinchilla

☐ Other: \_\_\_\_\_  
☐ Other: \_\_\_\_\_  
☐ Other: \_\_\_\_\_  
☐ Other: \_\_\_\_\_

## 2. TYPE OF APPLICATION ANTICIPATED / APPROVAL AUTHORITY

- |  |                                       |  |
|--|---------------------------------------|--|
| <input type="checkbox"/> Zone Map Amendment              | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> City Council Approval |
| <input type="checkbox"/> Sector Dev. Plan Amendment      | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> City Council Approval |
| <input type="checkbox"/> Site Dev. Plan for Subdivision  | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> DRB Approval          |
| <input type="checkbox"/> Site Dev. Plan for Bldg. Permit | <input type="checkbox"/> EPC Approval | <input type="checkbox"/> Admin Approval        |
| <input type="checkbox"/> Other _____                     |                                       | <input type="checkbox"/> Admin Approval        |

## 3. SUMMARY OF PRT DISCUSSION:

Current Zoning: RT

Applicable Plans: \_\_\_\_\_

Applicable Design Regulations: \_\_\_\_\_

Other Applicable Regulations: \_\_\_\_\_

Previously approved site plans/project #s: \_\_\_\_\_

Proposed Use/Zone: Many options see notes

Requirements for application: (R-270-1980, Notification, as-built drawings, TIS, Check Lists, Other)

Handouts Given:

☐ Zone Map Amendment Process ☐ R-270-1980 ☐ AA Process ☐ EPC Schedule

Further input needed: (Sketch Plat Review @ DRB, DRT, ZEO, ONC, pre-application facilitated meeting, other)

Additional Notes:

Total Mobile Home Park acreage = 24 acres. 11 acres  
zoned R-T w/ ~~conditional~~ which is legally  
non-conforming until 2026. 13 acres  
zoned C-2 w/ conditional use.  
applicant is considering a zone change from

## 4. SIGN & DATE TO VERIFY ATTENDANCE & RECEIPT OF THIS SUMMARY.

[Signature]  
PRT CHAIR

[Signature]  
APPLICANT OR AGENT

**\*\*\*Please Note: PRT DISCUSSIONS ARE FOR INFORMATIONAL PURPOSES ONLY: THEY ARE NON-BINDING AND DO NOT CONSTITUTE ANY KIND OF APPROVAL. Statements regarding Zoning are not Certificates of Zoning. Additional research may be necessary to determine the exact type of application and/or process needed. It is possible that factors unknown at this time and/or thought of as minor could become significant as the case progresses.**

R.T to SU-1 PRD which allows SF, TH, Apartments, associated structure + home occupations as regulated by R-1 zone.

~~may not be done~~ The application also states proposed zoning as SU-1/PDA which is described in Tomer/Unser Plan. (allows 165 units <sup>15 max</sup> <sup>11 AL</sup>)  
 Either request ~~requester~~ a site d. plan w/ minimum of subdivision requirements.

See SPS check list. Can use an as-built but still must address issues to ensure compliance. EPC can request addition site amenities to be added such as landscaping, parking, their discretion.

X { If requesting SU-1 PRD, must address all the issues listed for the site plan - such as architecture, bldg setbacks, placement of mechanical units etc. 14.16.2.22(B)(25) a-d.

□ Staff recommends Attachment C-2 (SP) of SU-1 for MH <sup>development</sup> (SP).

③ MTG - SU-1 FOR C-2, <sup>USES</sup> (PERMISSIVE + CONDITIONAL) <sup>(CONDITIONAL USE 14.16.2.17 (B)(11))</sup>

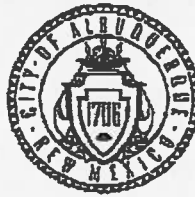
THEN DOES NOT REQUIRE A CONDITIONAL USES BUT REQUIRES A SITE PLAN. IF ANY CHANGES TO USE, A NEW/REVISED SITE PLAN.

IF WORSE COMES TO SU-1 FOR MOBILE HOME DEVELOPMENT (DEFEND TERM IN ZCODE)

Res. 270-1980 - ZONE CHANGE.

NOTIFICATION &  
NEIGHBORHOOD INFORMATION





**City of Albuquerque**  
P.O. Box 1293, Albuquerque, NM 87103

July 28, 2015

Karen Lee Ward  
Myers, McCready & Myers, P.C.  
1401 Central Ave. NW/87104  
Phone: 505-247-9080/ Fax: 505-247-9109  
E-mail: karfman@moplav.com

**PLEASE NOTE:** The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

Dear Karen:

Thank you for your inquiry of July 28, 2015 requesting the names of ALL Neighborhood and/or Homeowners Associations who would be affected under the provisions of O-92 by your proposed project at (EPC SUBMITTAL) TRACT 2-A, WESTGATE MOBILE HOME PARK LOCATED ON 98<sup>TH</sup> STREET BETWEEN TOWER ROAD AND DEVARGAS ROAD zone map L-9.

Our records indicate that the ALL Neighborhood and/or Homeowners Associations affected by this proposal and the contact names are as follows:

**SEE ATTACHMENT "A" FOR THE NAMES OF THE NA/HOA'S THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and "Attachment A" to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA's.**

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3906 or via an e-mail message at [dcarmona@cabq.gov](mailto:dcarmona@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

***Dalaina Carmona***

Senior Administrative Assistant  
OFFICE OF NEIGHBORHOOD COORDINATION  
Planning Department

**LETTERS MUST BE SENT TO BOTH  
CONTACTS OF EACH  
NEIGHBORHOOD ASSOCIATION.**

## ATTACHMENT "A"

July 28, 2015

Karen Lee Ward  
Myers, McCready & Myers, P.C.  
1401 Central Ave. NW/87104  
Phone: 505-247-9080/ Fax: 505-247-9109  
E-mail: karfman@moplaw.com

### **ROUTE 66 WEST N.A. (RTW) "R"**

**\*Cherise Quezada**  
10304 Paso Fino Pl. SW/87121  
Barbara Lucero  
757 98<sup>th</sup> St. SW, Sp. #6/87121

### **NEIGHBORHOOD COALITIONS**

#### **SOUTH VALLEY COALITION OF NEIGHBORHOOD ASSOCIATIONS**

**\*Rod Mahoney**, 1838 Sadora Rd. SW/87105  
Marcia Fernandez, 2401 Violet SW/87105

#### **SOUTH WEST ALLIANCE OF NEIGHBORS (SWAN)**

**\*Johnny Pena**, 6525 Sunset Gardens SW/87121  
Jerry Gallegos, 417 65<sup>th</sup> St. SW/87121

#### **WESTSIDE COALITION OF N.A.'S**

**\*Gerald C. (Jerry) Worrall**, 1039 Pinatubo Pl. NW/87120  
Harry Hendriksen, 10592 Rio Del Sole Ct. NW/87114-2701

**MYERS, McCREADY & MYERS, P.C.**  
**LAWYERS**  
**1401 CENTRAL AVENUE, N.W., SUITE B**  
**ALBUQUERQUE, NEW MEXICO 87104**

JOHN A. MYERS  
KEVIN J. McCREADY  
J. MATT MYERS

TELEPHONE  
(505)247-9080  
FACSIMILE  
(505)247-9109

FLOYD D. WILSON, Of Counsel

e-mail: [jmyers@moplav.com](mailto:jmyers@moplav.com)  
e-mail: [kmccready@moplav.com](mailto:kmccready@moplav.com)  
e-mail: [mmyers@moplav.com](mailto:mmyers@moplav.com)

July 30, 2015

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Cherise Quezada  
Route 66 West N.A.  
10304 Paso Fino Place, SW  
Albuquerque, New Mexico 87121

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Marcia Fernandez  
South Valley Coalition of Neighborhood  
Assoc.  
2401 Violet, SW  
Albuquerque, New Mexico 87105

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Jerry Gallegos  
South West Alliance of Neighbors  
417 65<sup>th</sup> Street, NW  
Albuquerque, New Mexico 87121

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Harry Hendriksen  
Westside Coalition of N.A.  
10592 Rio del Sole Court, NW  
Albuquerque, New Mexico 87114

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Rod Mahoney  
South Valley Coalition of Neighborhood  
Assoc.  
1838 Sadora Road, NW  
Albuquerque, New Mexico 87105  
**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Johnny Pena  
South West Alliance of Neighbors  
6525 Sunset Gardens, SW  
Albuquerque, New Mexico 87105

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
Gerald C. Worrall  
Westside Coalition of N.A.  
1039 Pinatubo Place, NW  
Albuquerque, New Mexico 87120

Re: **Westgate Mobile Home Park**  
**757 98<sup>th</sup> Street, SW**

July 30, 2015

Page -2-

Ladies and Gentlemen:

This firm represents Deemer Properties NM, LLC ("Deemer"), the owner of the Westgate Mobile Home Park (the "MH Park"). The MH Park is located at 757 98<sup>th</sup> Street and has been in operation since approximately 1970. The MH Park is comprised of three tracts of land. Two of the three tracts of land are zoned C-2 and have a conditional use which allows for mobile home parks. However, one of the tracts, Tract 2A, is zoned R-T, which does not allow mobile home parks. As such, the mobile homes that are located on Tract 2A are considered non-conforming uses and will have to become a conforming use by August, 2026.

Tract 2A is approximately 11 acres and contains 95 mobile homes. The other two tracts contain approximately 13 acres and 58 mobile homes.

Because of the zoning discrepancy, Deemer is filing an application with the City of Albuquerque to rezone Tract 2A from RT to SU-1/For C-2 Conditional and Permissive Uses in order to allow the entire MH Park to continue to exist past August, 2026. Deemer is not requesting any additional mobile home spaces. As part of the request Deemer intends to add some additional landscaping to the MH Park.

A copy of Deemer's application, along with a site plan and landscaping plan, is enclosed for your review. Deemer's application will be heard by the City's Environmental Planning Commission on September 10, 2015.

Thank you and please contact this office if you should have any questions. We look forward to answering any questions you may have.

Sincerely,

MYERS, McCREADY & MYERS, P.C.

By: 

Karen Lee Ward  
Legal Assistant

/klw

Enclosures

cc: Deemer Properties NM, LLC

H:\Deemer, Jim\Zone change\Neighborhood Ltr2.docx

-typical

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<b>A. Signature</b> <b>X</b> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
<b>1. Article Addressed to:</b> <i>Cherise Quezada</i> <i>Route 66 West N.A.</i> <i>10304 Paso Fino Pl-S</i> <i>ceb. NM 87121</i>		<b>B. Received by (Printed Name)</b>	<b>C. Date of Delivery</b>
<b>2. Article Number</b> (Transfer from service label) <b>7013 2630 0000 3887 2299</b>		<b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
<b>PS Form 3811, July 2013</b>		<b>Domestic Return Receipt</b>	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> .	
<b>OFFICIAL USE</b>	
<b>Postage</b>	\$
<b>Certified Fee</b>	
<b>Return Receipt Fee</b> (Endorsement Required)	
<b>Restricted Delivery Fee</b> (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	\$
<b>Postmark Here</b> <i>7/24/15</i>	
<b>Sent To</b> <i>Cherise Quezada</i>	
<b>Street, Apt. No., or PO Box No.</b>	
<b>City, State, ZIP+4</b>	
<b>PS Form 3800, August 2006</b>	
<b>See Reverse for Instructions</b>	



## SITE PLAN



SHEET NUMBER	DESCRIPTION
1	SITE PLAN
2	LANDSCAPE PLAN
3	GRADING PLAN 1
4	GRADING PLAN 2
5	GRADING PLAN 3
6	GRADING PLAN 4
7	GRADING PLAN 5
8	GRADING PLAN 6
9	GRADING PLAN 7
10	GRADING PLAN 8
11	GRADING PLAN 9
12	GRADING PLAN 10
13	GRADING PLAN 11
14	GRADING PLAN 12
15	GRADING PLAN 13
16	GRADING PLAN 14
17	GRADING PLAN 15
18	GRADING PLAN 16
19	GRADING PLAN 17
20	GRADING PLAN 18
21	GRADING PLAN 19
22	GRADING PLAN 20
23	GRADING PLAN 21
24	GRADING PLAN 22
25	GRADING PLAN 23
26	GRADING PLAN 24
27	GRADING PLAN 25
28	GRADING PLAN 26
29	GRADING PLAN 27
30	GRADING PLAN 28
31	GRADING PLAN 29
32	GRADING PLAN 30
33	GRADING PLAN 31
34	GRADING PLAN 32
35	GRADING PLAN 33
36	GRADING PLAN 34
37	GRADING PLAN 35
38	GRADING PLAN 36
39	GRADING PLAN 37
40	GRADING PLAN 38
41	GRADING PLAN 39
42	GRADING PLAN 40
43	GRADING PLAN 41
44	GRADING PLAN 42
45	GRADING PLAN 43
46	GRADING PLAN 44
47	GRADING PLAN 45
48	GRADING PLAN 46
49	GRADING PLAN 47
50	GRADING PLAN 48
51	GRADING PLAN 49
52	GRADING PLAN 50
53	GRADING PLAN 51
54	GRADING PLAN 52
55	GRADING PLAN 53
56	GRADING PLAN 54
57	GRADING PLAN 55
58	GRADING PLAN 56
59	GRADING PLAN 57
60	GRADING PLAN 58
61	GRADING PLAN 59
62	GRADING PLAN 60
63	GRADING PLAN 61
64	GRADING PLAN 62
65	GRADING PLAN 63
66	GRADING PLAN 64
67	GRADING PLAN 65
68	GRADING PLAN 66
69	GRADING PLAN 67
70	GRADING PLAN 68
71	GRADING PLAN 69
72	GRADING PLAN 70
73	GRADING PLAN 71
74	GRADING PLAN 72
75	GRADING PLAN 73
76	GRADING PLAN 74
77	GRADING PLAN 75
78	GRADING PLAN 76
79	GRADING PLAN 77
80	GRADING PLAN 78
81	GRADING PLAN 79
82	GRADING PLAN 80
83	GRADING PLAN 81
84	GRADING PLAN 82
85	GRADING PLAN 83
86	GRADING PLAN 84
87	GRADING PLAN 85
88	GRADING PLAN 86
89	GRADING PLAN 87
90	GRADING PLAN 88
91	GRADING PLAN 89
92	GRADING PLAN 90
93	GRADING PLAN 91
94	GRADING PLAN 92
95	GRADING PLAN 93
96	GRADING PLAN 94
97	GRADING PLAN 95
98	GRADING PLAN 96
99	GRADING PLAN 97
100	GRADING PLAN 98
101	GRADING PLAN 99
102	GRADING PLAN 100
103	GRADING PLAN 101
104	GRADING PLAN 102
105	GRADING PLAN 103
106	GRADING PLAN 104
107	GRADING PLAN 105
108	GRADING PLAN 106
109	GRADING PLAN 107
110	GRADING PLAN 108
111	GRADING PLAN 109
112	GRADING PLAN 110
113	GRADING PLAN 111
114	GRADING PLAN 112
115	GRADING PLAN 113
116	GRADING PLAN 114
117	GRADING PLAN 115
118	GRADING PLAN 116
119	GRADING PLAN 117
120	GRADING PLAN 118
121	GRADING PLAN 119
122	GRADING PLAN 120
123	GRADING PLAN 121
124	GRADING PLAN 122
125	GRADING PLAN 123
126	GRADING PLAN 124
127	GRADING PLAN 125
128	GRADING PLAN 126
129	GRADING PLAN 127
130	GRADING PLAN 128
131	GRADING PLAN 129
132	GRADING PLAN 130
133	GRADING PLAN 131
134	GRADING PLAN 132
135	GRADING PLAN 133
136	GRADING PLAN 134
137	GRADING PLAN 135
138	GRADING PLAN 136
139	GRADING PLAN 137
140	GRADING PLAN 138
141	GRADING PLAN 139
142	GRADING PLAN 140
143	GRADING PLAN 141
144	GRADING PLAN 142
145	GRADING PLAN 143
146	GRADING PLAN 144
147	GRADING PLAN 145
148	GRADING PLAN 1

- [illegible]

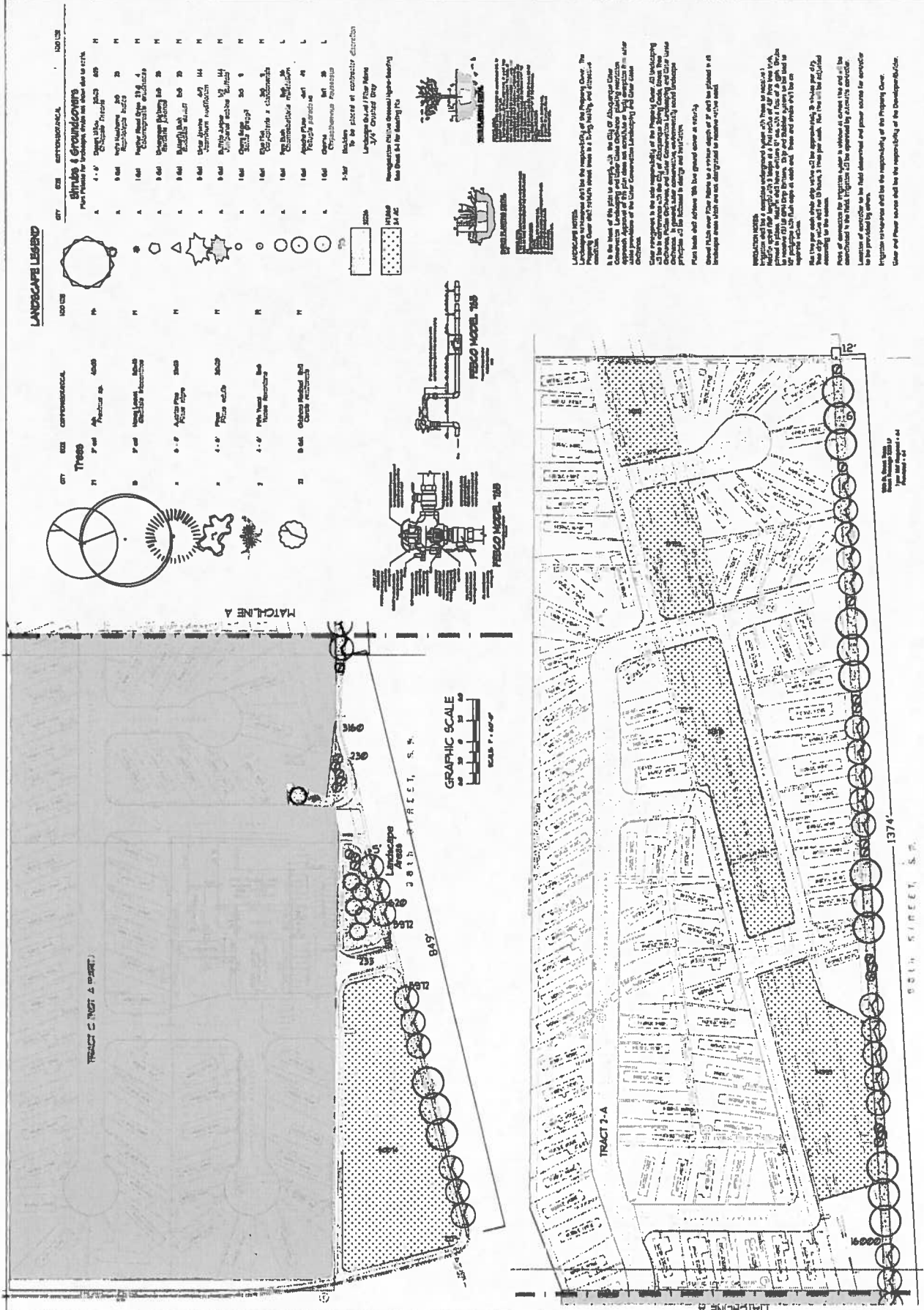
[illegible]

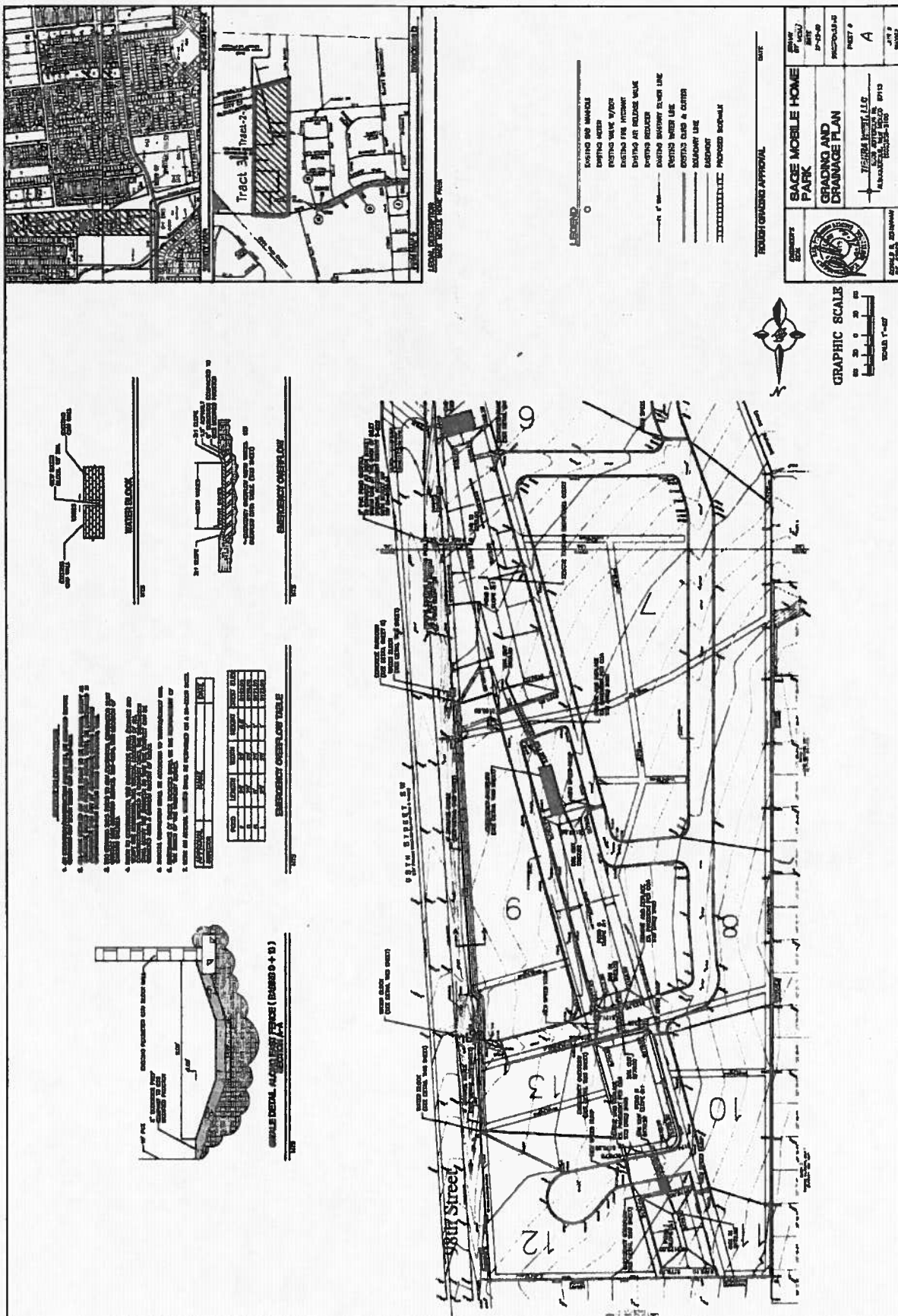
98th Street

**LEGAL DESCRIPTION:**

[illegible]

REVEGETATION SEED MIX	P.S. lbs./ac.
CLARKIA pulchra	2.0
CYNARA PRECOCE	
FLUX. sativata	2.0
SPARGANGL. intermedium	5.0
GLOR. MALLON	
CALLARDA grandiflora	2.0
SILPHIUM FLOWER	
CONYZ. sp. (includes INDIAN REEDGRASS)	5.0
LUPINUS nana	.5
LUPINUS	
ADROMYD. intermedium	3.0
BLUE BUNCH WHEATGRASS	
ADROMYD. x trifolium	3.0
STEEL WHEAT HYBRID, "REDGREEN"	
FESTUCA solum	3.0
COWAR SHEEP FESCUE	
ADROMYD. sativatum	3.0
BLUEBUNCH WHEATGRASS	
CONYZES. hirsutissima	3.0
INDIAN REEDGRASS	
ERAGRIS. americanum	3.0
INDIAN DESERT GOBBYWEAT	
TOTAL	34-50





PROJECT		SHEET #		DATE	
SAGE MOBILE HOME PARK		B		11/10	
GRADING AND DRAINAGE PLAN		11/10		11/10	
PROJECT		11/10		11/10	
PROJECT		11/10		11/10	

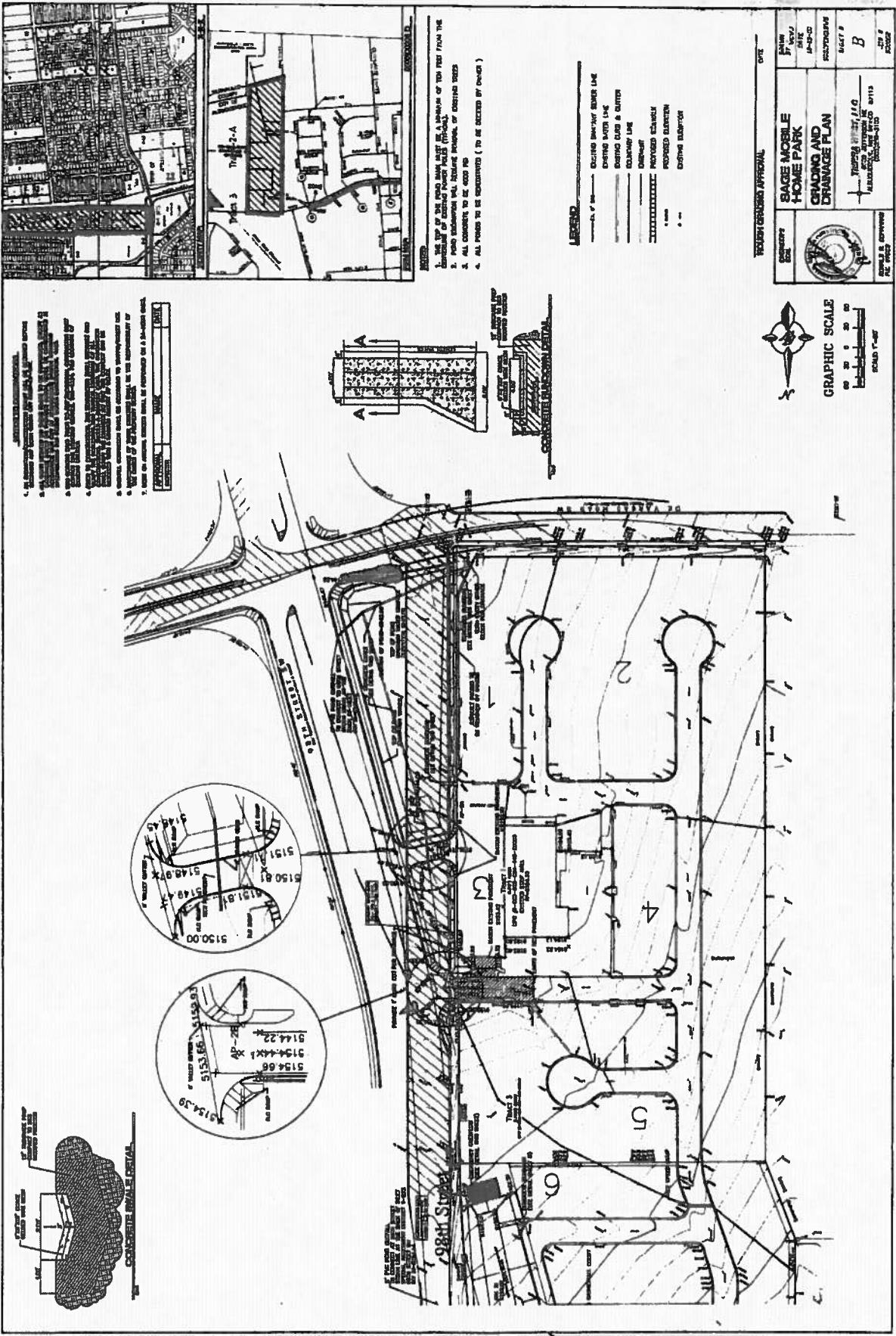


- LEGEND**
- EXISTING BENCHMARK
  - EXISTING GRADE
  - EXISTING DRAINAGE
  - EXISTING ELEVATION
  - EXISTING DRAINAGE
  - EXISTING ELEVATION

98th St Mobile Home Park  
Albuquerque, NM  
Grading and Drainage Plan

Owner Representative  
Albuquerque, NM  
Grading and Drainage Plan

Grading and Drainage Plan  
Albuquerque, NM  
Grading and Drainage Plan



REVISION	DATE	BY
1. GRADING AND DRAINAGE PLAN	11/10	11/10
2. GRADING AND DRAINAGE PLAN	11/10	11/10
3. GRADING AND DRAINAGE PLAN	11/10	11/10
4. GRADING AND DRAINAGE PLAN	11/10	11/10
5. GRADING AND DRAINAGE PLAN	11/10	11/10
6. GRADING AND DRAINAGE PLAN	11/10	11/10
7. GRADING AND DRAINAGE PLAN	11/10	11/10
8. GRADING AND DRAINAGE PLAN	11/10	11/10
9. GRADING AND DRAINAGE PLAN	11/10	11/10
10. GRADING AND DRAINAGE PLAN	11/10	11/10

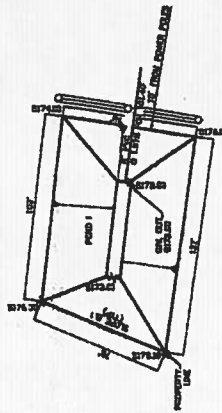
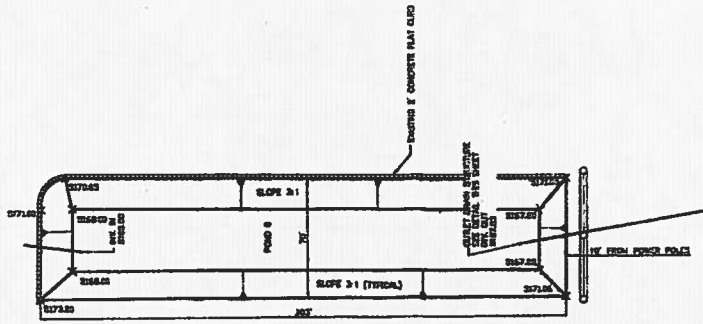
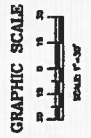


DATE	04/20/20
DESIGNER	W. J. B. B.

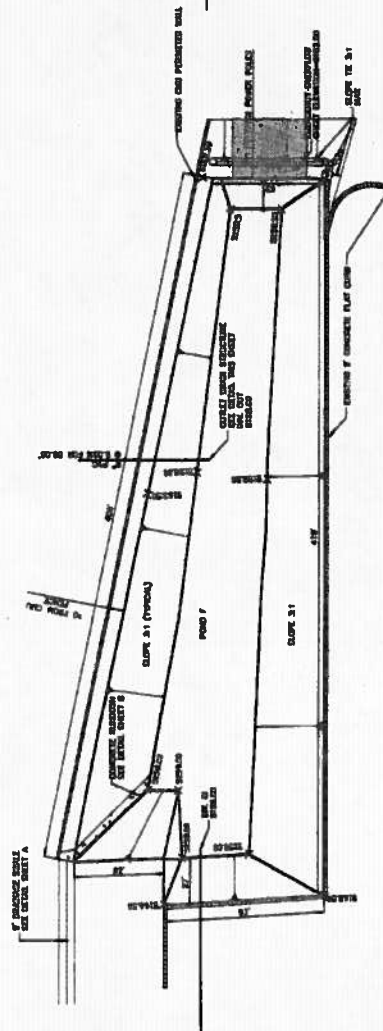
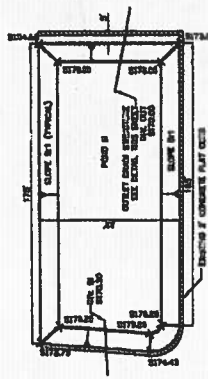
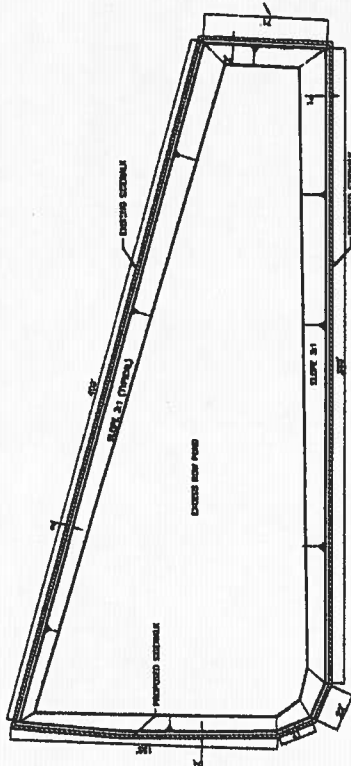
Grading and Drainage Ponds  
95th St. Mobile Home Park  
Albuquerque, NM  
95th and Delavergas Rd. SW

Owner Representative  
J. Paul Ryan, Inc.  
10000 Delavergas Rd. SW  
Albuquerque, NM 87104  
Cell: 505-895-8950  
Fax: 505-895-8950  
The Kitchell Group  
design@kitchellgroup.com

PROJECT NO.	2019-0001
DATE	04/20/20
DESIGNER	W. J. B. B.
PROJECT NAME	95th St. Mobile Home Park
PROJECT LOCATION	95th and Delavergas Rd. SW
PROJECT TYPE	Grading and Drainage
PROJECT STATUS	Final Design



POND OUTLET DRAIN STRUCTURE DETAIL



**RECORD LEGAL DESCRIPTION AS SHOWN ON TITLE:**  
A tract of land within Sections 28 and 29, T10N, R2E, N49PM, in the

[illegible][illegible]

**SURVEYOR'S NOTES:**

1. ADDRESS AND EGRESS TO THE SUBJECT PROPERTY IS PROVIDED BY 6000 STREET, NW AND DE WOLFE ROAD, SW, INDICATED AND ACCEPTED KNOWLEDGE OF RECORDS BY THE CITY OF ALBUQUERQUE.
2. THE HOLE LINES AND ACTUAL POSSESSION LINES ARE THE SAME.

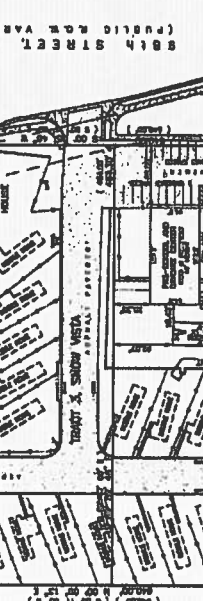
1. AGREES AND ENDORS TO THE SUBJECT PROPERTY IS PREVIOUSLY OWNED BY JOHN STEIN, SR. AND HE WOULD BE ACCEPTED AS A TENANT-OF-ART BY THE CITY OF ALBUQUERQUE.

2. THE TITLE LINES AND ACTUAL POSSESSION LINES ARE THE SAME.

3.

- STATEMENT OF ENCROACHMENTS:**

① *strongly* is stronger than *moderately* and *quite*  
 ② *strongly* is stronger than *quite* and *moderately*  
 ③ *quite* is stronger than *moderately* and *strongly*  
 ④ *moderately* is stronger than *strongly* and *quite*  
 ⑤ *moderately* is stronger than *quite* and *strongly*  
 ⑥ *strongly* is stronger than *quite* and *moderately*  
 ⑦ *quite* is stronger than *moderately* and *strongly*  
 ⑧ *strongly* is stronger than *moderately* and *quite*  
 ⑨ *moderately* is stronger than *strongly* and *quite*  
 ⑩ *moderately* is stronger than *quite* and *strongly*  
 ⑪ *strongly* is stronger than *quite* and *moderately*  
 ⑫ *quite* is stronger than *moderately* and *strongly*  
 ⑬ *moderately* is stronger than *strongly* and *quite*  
 ⑭ *moderately* is stronger than *quite* and *strongly*  
 ⑮ *strongly* is stronger than *moderately* and *quite*  
 ⑯ *quite* is stronger than *moderately* and *strongly*  
 ⑰ *moderately* is stronger than *strongly* and *quite*  
 ⑱ *moderately* is stronger than *quite* and *strongly*  
 ⑲ *strongly* is stronger than *quite* and *moderately*  
 ⑳ *quite* is stronger than *moderately* and *strongly*  
 ㉑ *moderately* is stronger than *strongly* and *quite*  
 ㉒ *moderately* is stronger than *quite* and *strongly*  
 ㉓ *strongly* is stronger than *moderately* and *quite*  
 ㉔ *quite* is stronger than *moderately* and *strongly*  
 ㉕ *moderately* is stronger than *strongly* and *quite*  
 ㉖ *moderately* is stronger than *quite* and *strongly*  
 ㉗ *strongly* is stronger than *quite* and *moderately*  
 ㉘ *quite* is stronger than *moderately* and *strongly*  
 ㉙ *moderately* is stronger than *strongly* and *quite*  
 ㉚ *moderately* is stronger than *quite* and *strongly*  
 ㉛ *strongly* is stronger than *moderately* and *quite*  
 ㉜ *quite* is stronger than *moderately* and *strongly*  
 ㉝ *moderately* is stronger than *strongly* and *quite*  
 ㉞ *moderately* is stronger than *quite* and *strongly*  
 ㉟ *strongly* is stronger than *quite* and *moderately*  
 ㊱ *quite* is stronger than *moderately* and *strongly*  
 ㊲ *moderately* is stronger than *strongly* and *quite*  
 ㊳ *moderately* is stronger than *quite* and *strongly*  
 ㊴ *strongly* is stronger than *moderately* and *quite*  
 ㊵ *quite* is stronger than *moderately* and *strongly*  
 ㊶ *moderately* is stronger than *strongly* and *quite*  
 ㊷ *moderately* is stronger than *quite* and *strongly*  
 ㊸ *strongly* is stronger than *quite* and *moderately*  
 ㊹ *quite* is stronger than *moderately* and *strongly*  
 ㊺ *moderately* is stronger than *strongly* and *quite*  
 ㊻ *moderately* is stronger than *quite* and *strongly*  
 ㊼ *strongly* is stronger than *moderately* and *quite*  
 ㊽ *quite* is stronger than *moderately* and *strongly*  
 ㊾ *moderately* is stronger than *strongly* and *quite*  
 ㊿ *moderately* is stronger than *quite* and *strongly*

[illegible]

16. Unsubstantiated. Defendant provided to Public Service Commission a copy of a letter dated 11/10/70 from the defendant to the Commission's Chief Counsel, which letter stated that the defendant was not a member of the Communist Party, USA, New York City Chapter, and that the defendant was not a member of the Communist Party, USA, New York State Chapter. The defendant's letter was dated 11/10/70 and was signed by the defendant. The defendant's letter was dated 11/10/70 and was signed by the defendant.

17. Unsubstantiated. Defendant provided to Public Service Commission a copy of a letter dated 11/10/70 from the defendant to the Commission's Chief Counsel, which letter stated that the defendant was not a member of the Communist Party, USA, New York City Chapter, and that the defendant was not a member of the Communist Party, USA, New York State Chapter. The defendant's letter was dated 11/10/70 and was signed by the defendant. The defendant's letter was dated 11/10/70 and was signed by the defendant.

18. Unsubstantiated. Defendant provided to Public Service Commission a copy of a letter dated 11/10/70 from the defendant to the Commission's Chief Counsel, which letter stated that the defendant was not a member of the Communist Party, USA, New York City Chapter, and that the defendant was not a member of the Communist Party, USA, New York State Chapter. The defendant's letter was dated 11/10/70 and was signed by the defendant. The defendant's letter was dated 11/10/70 and was signed by the defendant.

[illegible]

100

[illegible]

SCALE 1 INCH = 50 FEET

Downloaded from ascelibrary.org by University of California, San Diego on 06/01/15. Copyright ASCE, For All Rights Reserved, No part of this document may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without permission in writing from ASCE.

38th St. Mobile Home Park  
38th and Devergas Rd. SW  
Albuquerque, NM

[illegible]

88th STREET, S.W.  
(PUBLIC ROAD VARIES)

[illegible]

**WAYJOHN SURVEYING, INC.**  
320 Lockwood Blvd NE  
Atlanta, GA 30305  
404-525-0000 Fax 404-525-0007

9380 Louisiana Blvd., N.E. Albuquerque, NM 87113  
Phone: (505) 255-0022 Fax: (505) 255-0087  
[www.mtsystems.com](http://www.mtsystems.com)

Date of Survey: 4/21/15-5/9/15 Drafting: T.D.J.  
Date of Last Revision: 4/16/15 Job No.: ALN-4-23-2016  
SHEET 2 OF 2

၇၆

0-2271-071

05/02/90	11/91
• 11/91	

98th St Mobile Home Park  
98th and De Vargas Rd. SW  
Albuquerque, NM

[illegible]